Navigation Regulations

(1) This chapter contains extracts from **Code of Federal Regulations (CFR)** that are of importance to mariners in the area covered by this Coast Pilot. Sections of little value to the mariner are sometimes omitted. Omitted sections are signified by the following [...]

(2) Extracts from the following titles are contained in this chapter.

(3)

Title 15 (15 CFR): Commerce and Foreign Trade

(4) Part 922–National Marine Sanctuary Program Regulations

(5)

Title 33 (33 CFR): Navigation and Navigable Waters

(6) Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(7) Part 80–COLREGS Demarcation Lines

(8) Part 110–Anchorage Regulations

(9) Part 117–Drawbridge Operation Regulations

(10) Part 150–Deepwater Ports: Operations

(11) Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk

(12) Part 160–Ports and Waterways Safety-General

(13) Part 164–Navigation Safety Regulations (in part)

(14) Part 165–Regulated Navigation Areas and Limited Access Areas

(15) Part 167–Offshore Traffic Separation Schemes

(16) Part 169–Mandatory Ship Reporting Systems

(17) Part 207–Navigation Regulations

(18) Part 334–Danger Zones and Restricted Area Regulations

(19)

Title 40 (40 CFR): Protection of Environment

(20) Part 140–Marine Sanitation Device Standard

(21)

Title 46 (46 CFR): Shipping

(22) Part 15–Manning Requirements

(23)

Title 50 (50 CFR): Wildlife and Fisheries

(24) Part 222–General Endangered and Threatened Marine Species

(25) Part 224–Endangered Marine and Anadromous Species

(26) Part 226–Designated Critical Habitat

(27)

Note

(28) These regulations can only be amended by the enforcing agency or other authority cited in the regulations. Accordingly, requests for changes to these regulations should be directed to the appropriate agency for action. In those regulations where the enforcing agency is not cited or is unclear, recommendations for changes should be directed to the following Federal agencies for action:

(29) **National Oceanic and Atmospheric Administration:** (15 CFR 922);

(30) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 157, 160, 164, 165, 167, and 169);

(31) **U.S. Army Corps of Engineers:** (33 CFR 207 and 334);

(32) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 222, 224 and 226).

(33)

TITLE 15–COMMERCE AND FOREIGN TRADE

(34)

Part 922–NationalMarine Sanctuary Program Regulations

(35)

Subpart A-General

(36)

§922.1 Applicability of regulations.

(37) Unless noted otherwise, the regulations in subparts A, D and E apply to all thirteen National Marine Sanctuaries for which site-specific regulations appear in Subparts F through R, respectively. Subparts B and C apply to the site evaluation list and to the designation of future Sanctuaries.

(38)

§922.2 Mission, goals, and special policies.

(39) (a) In accordance with the standards set forth in title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, also known as the National Marine Sanctuaries Act (Act) the mission of the National Marine Sanctuary program (Program) is to identify, designate and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation, recreational, ecological, historical, research, educational, or aesthetic qualities.

(40) (b) The goals of the Program are to carry out the mission to:

(41) (1) Identify and designate as National Marine Sanctuaries areas of the marine environment which are of special national significance;

(42) (2) Provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(43) (3) Support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas, especially long-term monitoring and research of these areas:

(44) (4) Enhance public awareness, understanding, appreciation, and wise use of the marine environment;

(45) (5) Facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(46) (6) Develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(47) (7) Create models of, and incentives for, ways to conserve and manage these areas;

(48) (8) Cooperate with global programs encouraging conservation of marine resources; and

(49) (9) Maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.

(50) (c) To the extent consistent with the policies set forth in the Act, in carrying out the Program's mission and goals:

(51) (1) Particular attention will be given to the establishment and management of marine areas as National Marine Sanctuaries for the protection of the area's natural resource and ecosystem values; particularly for ecologically or economically important or threatened species or species assemblages, and for offshore areas where there are no existing special area protection mechanisms;

(52) (2) The size of a National Marine Sanctuary, while highly dependent on the nature of the site's resources, will be no larger than necessary to ensure effective management;

(53) (d) Management efforts will be coordinated to the extent practicable with other countries managing marine protected areas;

(54) (e) Program regulations, policies, standards, guidelines, and procedures under the Act concerning the identification, evaluation, registration, and treatment of historical resources shall be consistent, to the extent practicable, with the declared national policy for the protection and preservation of these resources as stated in the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., the Archeological and Historical Preservation Act of 1974, 16 U.S.C. 469 et seq., and the Archeological Resources Protection Act of 1979 (ARPA), 16 U.S.C. 470aa et seq. The same degree of regulatory protection and preservation planning policy extended to historical resources on land shall be extended, to the extent practicable, to historical resources in the marine environment within the boundaries of designated National Marine Sanctuaries. The management of historical resources under the authority of the Act shall be consistent, to the extent practicable, with the Federal archeological program by consulting the Uniform Regulations, ARPA (43 CFR part 7) and other relevant Federal regulations. The Secretary of the Interior's Standards and Guidelines for Archeology may also be consulted for guidance. These guidelines are available from the Office of Ocean and Coastal Management at (301) 713-3125.

(55)

§922.3 Definitions.

(56) *Act* means title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 et seq., also known as the National Marine Sanctuaries Act.

(57) *Assistant Administrator* means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), or designee.

(58) *Benthic community* means the assemblage of organisms, substrate, and structural formations found at or near the bottom that is periodically or permanently covered by water.

(59) *Commercial fishing* means any activity that results in the sale or trade for intended profit of fish, shellfish, algae, or corals.

(60) *Conventional hook and line gear* means any fishing apparatus operated aboard a vessel and composed of a single line terminated by a combination of sinkers and hooks or lures and spooled upon a reel that may be hand or electrically operated, hand-held or mounted. This term does not include bottom longlines.

(61) *Cultural resources* means any historical or cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts.

(62) *Director* means, except where otherwise specified, the Director of the Office of Ocean and Coastal Resource Management, NOAA, or designee.

(63) *Exclusive economic zone* means the exclusive economic zone as defined in the Magnuson Fishery Conservation and Management Act, 16 U.S. 1801 et seq.

(64) *Fish wastes* means waste materials resulting from commercial fish processing operations.

(65) *Historical resource* means a resource possessing historical, cultural, archaeological or paleontological significance, including sites, structures, districts, and objects significantly associated with or representative of earlier people, cultures, maritime heritage, and human activities and events. Historical resources include "submerged cultural resources," and also include "historical properties," as defined in the National Historic

Preservation Act, as amended, and its implementing regulations, as amended.

(66) *Indian tribe* means any American Indian tribe, band, group, or community recognized as such by the Secretary of the Interior.

(67) *Injure* means to change adversely, either in the long or short term, a chemical, biological or physical attribute of, or the viability of. This includes, but is not limited to, to cause the loss of or destroy.

(68) *Inventory* means a list of nominated areas selected by the Director as qualifying for future consideration of designation as a national marine sanctuary.

(69) *Lightering* means at-sea transfer of petroleum-based products, materials or other matter from vessel to vessel.

(70) *Marine* means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law.

(71) *Mineral* means clay, stone, sand, gravel, metalliferous ore, non-metalliferous ore, or any other solid material or other matter of commercial value.

(72) *National historic landmark* means a district, site, building, structure or object designated as such by the Secretary of the Interior under the National Historic Landmarks Program (36 CFR part 65).

(73) *National Marine Sanctuary* means an area of the marine environment of special national significance due to its resource or human-use values, which is designated as such to ensure its conservation and management.

(74) *Person* means any private individual, partnership, corporation or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(75) *Regional Fishery Management Council* means any fishery council established under section 302 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

(76) *Sanctuary quality* means any of those ambient conditions, physical-chemical characteristics and natural processes, the maintenance of which is essential to the ecological health of the Sanctuary, including, but not limited to, water quality, sediment quality and air quality.

(77) *Sanctuary resource* means any living or non-living resource of a National Marine Sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the Sanctuary, including, but not limited to, the substratum of the area of the Sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals and historical resources.

(78) *Secretary* means the Secretary of the United States Department of Commerce, or designee.

(79) *Shunt* means to discharge expended drilling cuttings and fluids near the ocean seafloor.

(80) *State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

(81) *Subsistence use* means the customary and traditional use by rural residents of areas near or in the marine environment for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles; and for barter, if for food or non-edible items other than money, if the exchange is of a limited and non-commercial nature.

(82) *Take or taking* means:

(83) (1) For any marine mammal, sea turtle, or seabird listed as either endangered or threatened pursuant to the Endangered Species Act, to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure, or to attempt to engage in any such conduct;

(84) (2) For any other marine mammal, sea turtle, or seabird, to harass, hunt, capture, kill, collect or injure, or to attempt to engage in any such conduct.

(85) For the purpose of both (1) and (2) of this definition, this includes, but is not limited to, to collect any dead or injured marine mammal, sea turtle or seabird, or any part thereof; to restrain or detain any marine mammal, sea turtle or seabird, or any part thereof, no matter how temporarily; to tag any sea turtle, marine mammal or seabird; to operate a vessel or aircraft or to do any other act that results in the disturbance or molestation of any marine mammal, sea turtle or seabird.

(86) *Tropical fish* means fish or minimal sport and food value, usually brightly colored, often used for aquaria purposes and which lives in a direct relationship with live bottom communities.

(87) *Vessel* means a watercraft of any description capable of being used as a means of transportation in/on the waters of the Sanctuary.

(88)

§922.4 Effect of National Marine Sanctuary designation.

(89) The designation of a National Marine Sanctuary, and the regulations implementing it, are binding on any person subject to the jurisdiction of the United States. Designation does not constitute any claim to territorial jurisdiction on the part of the United States for designated sites beyond the U.S. territorial sea, and the regulations implementing the designation shall be applied in accordance with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to a person who is not a citizen, national, or resident alien of the United States, unless in accordance with:

(90) (a) Generally recognized principles of international law;

(91) (b) An agreement between the United States and the foreign state of which the person is a citizen; or

(92) (c) An agreement between the United States and the flag state of the foreign vessel, if the person is a crew member of the vessel.

(93)

Subpart D–Management Plan Development and Implementation

(94)

§922.30 General.

(95) (a) The Secretary shall implement each management plan, and applicable regulations, including carrying out surveillance and enforcement activities and conducting such research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of the Act.

(96) (b) Consistent with Sanctuary management plans, the Secretary shall develop and implement site-specific contingency and emergency-response plans designed to protect Sanctuary resources. The plans shall contain alert procedures and actions to be taken in the event of an emergency such as a shipwreck or an oil spill.

(97)

§922.31 Promotion and coordination of Sanctuary use.

(98) The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of National Marine Sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, or other persons to promote use of one or more Sanctuaries for research, monitoring and education, including coordination with the National Estuarine Research Reserve System.

(99)

Subpart E–Regulations of General Applicability

(100)

§922.40 Purpose.

(101) The purpose of the regulations in this subpart and in subparts F through R to implement the designations of the thirteen National Marine Sanctuaries for which site specific regulations appear in subparts F through R, respectively, by regulating activities affecting them, consistent with their respective terms of designation in order to protect, preserve and manage and thereby ensure the health, integrity and continued availability of the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of these areas. Additional purposes of the regulations implementing the designation of the Florida Keys and Hawaiian Islands Humpback Whale National Marine Sanctuaries are found at §§922.160, and 922.180, respectively.

(102)

§922.41 Boundaries.

(103) The boundary for each of the thirteen National Marine Sanctuaries covered by this part is described in subparts F through R of this part, respectively.

(104)

§922.42 Allowed activities.

(105) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in subparts F through R, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), or §922.165, 922.186, or 922.196, subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, or local authority of competent jurisdiction, including Federal and State fishery management authorities, and subject to the provisions of section 312 of the National Marine Sanctuaries Act (NMSA), (16 U.S.C. 1431 et seq.). The assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

(106)

§922.43 Prohibited or otherwise regulated activities.

(107) Subparts F through R of set forth site-specific regulations applicable to the activities specified therein.

(108)

§922.44 Emergency regulations.

(109) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. The provisions of this section do not apply to the Cordell Bank, Florida Keys, Hawaiian Islands Humpback Whale, and Thunder Bay National Marine Sanctuaries. See §§922.111(c), 922.165, 922.186, 922.196, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

(110)

§922.45 Penalties.

(111) (a) Each violation of the NMSA or FKNMSPA, any regulation in this part, or any permit issued pursuant thereto, is subject to a civil penalty of not more than $100,000. Each day of a continuing violation constitutes a separate violation.

(112) (b) Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions, and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

(113)

§922.46 Response costs and damages.

(114) Under section 312 of the Act, any person who destroys, causes the loss of, or injures any Sanctuary resource is liable to the United States for response costs

and damages resulting from such destruction, loss or injury, and any vessel used to destroy, cause the loss of, or injure any Sanctuary resource is liable in rem to the United States for response costs and damages resulting from such destruction, loss or injury.

(115)

§922.47 Pre-existing authorizations or rights and certifications of pre-existing authorizations or rights.

(116) (a) Leases, permits, licenses, or rights of subsistence use or access in existence on the date of designation of any National Marine Sanctuary shall not be terminated by the Director. The Director may, however, regulate the exercise of such leases, permits, licenses, or rights consistent with the purposes for which the Sanctuary was designated.

(117) (b) The prohibitions listed in subparts F through P, and subpart R do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this subpart P, and issued by any Federal, State or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this part P, provided that the holder of such authorization or right complies with certification procedures and criteria promulgated at the time of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P, and with any terms and conditions on the exercise of such authorization or right imposed by the Director as a condition of certification as the Director deems necessary to achieve the purpose for which the Sanctuary was designated.

(118)

§922.48 National Marine Sanctuary permits-application procedures and issuance criteria.

(119) (a) A person may conduct an activity prohibited by subparts F through O, if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subparts F through O as appropriate. For the Florida Keys National Marine Sanctuary, a person may conduct an activity prohibited by subpart P if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under §922.166. For the Thunder Bay National Marine Sanctuary and Underwater Preserve, a person may conduct an activity prohibited by subpart R in accordance with the scope, purpose, terms and conditions of a permit issued under §922.195.

(120) (b) Applications for permits to conduct activities otherwise prohibited by subpart F through O should be addressed to the Director and sent to the address specified in subparts F through O, or subpart R, as appropriate. An application must include:

(121) (1) A detailed description of the proposed activity including a timetable for completion:

(122) (2) The equipment, personnel and methodology to be employed;

(123) (3) The qualifications and experience of all personnel;

(124) (4) The potential effects of the activity, if any, on Sanctuary resources and qualities; and

(125) (5) Copies of all other required licenses, permits, approvals or other authorizations.

(126) (c) Upon receipt of an application, the Director may request such additional information from the applicant as he or she deems necessary to act on the application and may seek the views of any persons or entity, within or outside the Federal government, and may hold a public hearing, as deemed appropriate.

(127) (d) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct a prohibited activity, in accordance with the criteria found in subparts F through O, or subpart R, as appropriate. The Director shall further impose, at a minimum, the conditions set forth in the relevant subpart.

(128) (e) A permit granted pursuant to this section is nontransferable.

(129) (f) The Director may amend, suspend, or revoke a permit issued pursuant to this section for good cause. The Director may deny a permit application pursuant to this section, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms and conditions of a permit or of the regulations set forth in this section or subparts F through O, subpart R or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of 15 CFR part 904.

(130)

§922.49 Notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity.

(131) (a) A person may conduct an activity prohibited by subparts L through P, or subpart R, if such activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary after the effective date of the regulations in subpart P, provided that:

(132) (1) The applicant notifies the Director, in writing, of the application for such authorization (and of any application for an amendment, renewal, or extension of such authorization) within fifteen (15) days of the date of filing of the application or of the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P, whichever is later;

(133) (2) The applicant complies with the other provisions of this §922.49;

(134) (3) The Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization (or amendment, renewal, or extension); and

(135) (4) The applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities.

(136) (b) Any potential applicant for an authorization described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which an application is intended to be made is prohibited by subparts L through P, or subpart R, as appropriate.

(137) (c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Management at the address specified in subparts L through P, or subpart R, as appropriate. A copy of the application must accompany the notification.

(138) (d) The Director may request additional information from the applicant as he or she deems reasonably necessary to determine whether to object to issuance of an authorization described in paragraph (a) of this section, or what terms and conditions are reasonably necessary to protect Sanctuary resources and qualities. The information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the application.

(139) (e) The Director shall notify, in writing, the agency to which application has been made of his or her pending review of the application and possible objection to issuance. Upon completion of review of the application and information received with respect thereto, the Director shall notify both the agency and applicant, in writing, whether he or she has an objection to issuance and what terms and conditions he or she deems reasonably necessary to protect Sanctuary resources and qualities, and reasons therefor.

(140) (f) The Director may amend the terms and conditions deemed reasonably necessary to protect Sanctuary resources and qualities whenever additional information becomes available justifying such an amendment.

(141) (g) Any time limit prescribed in or established under this §922.49 may be extend by the Director for good cause.

(142) (h) The applicant may appeal any objection by, or terms or conditions imposed by, the Director to the Assistant Administrator or designee in accordance with the provisions of §922.50.

(143)

§922.50 Appeals of administrative action.

(144) (a)(1) Except for permit actions taken for enforcement reasons (see subpart D of 15 CFR part 904 for applicable procedures), an applicant for, or a holder of, a National Marine Sanctuary permit; an applicant for, or a holder of, a Special Use permit pursuant to section 310 of the Act; a person requesting certification of an existing lease, permit, license or right of subsistence use or access under §922.47; or, for those Sanctuaries described in subparts L through P and subpart R, an applicant for a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction (hereinafter appellant) may appeal to the Assistant Administrator:

(145) (i) The granting, denial, conditioning, amendment, suspension or revocation by the Director of a National Marine Sanctuary or Special Use permit;

(146) (ii) The conditioning, amendment, suspension or revocation of a certification under §922.47; or

(147) (iii) For those Sanctuaries described in subparts L through P and subpart R, the objection to issuance of or the imposition of terms and conditions on a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

(148) (2) For those National Marine Sanctuaries described in subparts F through K, any interested person may also appeal the same actions described §922.50 (a)(1)(i) and (ii). For appeals arising from actions taken with respect to these National Marine Sanctuaries, the term "appellant" includes any such interested persons.

(149) (b) An appeal under paragraph (a) of this section must be in writing, state the action(s) by the Director appealed and the reason(s) for the appeal, and be received within 30 days of receipt of notice of the action by the Director. Appeals should be addressed to the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA 1305 East-West Highway, 13th Floor, Silver Spring, MD 20910.

(150) (c)(1) The Assistant Administrator may request the appellant to submit such information as the Assistant Administrator deems necessary in order for him or her to decide the appeal. The information requested must be received by the Assistant Administrator within 45 days of the postmark date of the request. The Assistant Administrator may seek the views of any other persons. For the Monitor National Marine Sanctuary, if the appellant has request a hearing, the Assistant Administrator shall grant an informal hearing. For all other National Marine Sanctuaries, the Assistant Administrator may determine whether to hold an informal hearing on the appeal. If the Assistant Administrator determines that an informal hearing should be held, the Assistant Administrator may designate an officer before whom the hearing shall be held.

(151) (2) The hearing officer shall give notice in the **Federal Register** of the time, place and subject matter of the hearing. The appellant and the Director may appear personally or by counsel at that hearing and submit such material and present such arguments as deemed appropriate by the hearing officer. Within 60 days after the record for the hearing closes, the hearing officer shall recommend a decision in writing to the Assistant Administrator.

(152) (d) The Assistant Administrator shall decide the appeal using the same regulatory criteria as for the initial decision and shall base the appeal decision on the record before the Director and any information

submitted regarding the appeal, and, if a hearing has been held, on the record before the hearing officer and the hearing officer's recommended decision. The Assistant Administrator shall notify the appellant of the final decision and the reason(s) therefore in writing. The Assistant Administrator's decision shall constitute final agency action for the purpose of the Administrative Procedure Act.

(153) (e) Any time limit prescribed in or established under this section other than the 30-day limit for filing an appeal may be extended by the Assistant Administrator or hearing office for good cause.

(154)

Subpart N–Stellwagen Bank National Marine Sanctuary

(155)

§922.140 Boundary

(156) (a) The Stellwagen Bank National Marine Sanctuary (Sanctuary) consists of an area of approximately 638 square nautical miles (NM) of Federal marine waters and the submerged lands thereunder, over and around Stellwagen Bank and other submerged features off the coast of Massachusetts. The boundary encompasses the entirety of Stellwagen Bank; Tillies Bank, to the northeast of Stellwagen Bank; and portions of Jefferys Ledge, to the north of Stellwagen Bank.

(157) (b) The Sanctuary boundary is identified by the following coordinates, indicating the most northeast, southeast, southwest, west-northwest, and north-northwest points:

(158) 42°45'59.83"N., 70°13'01.77"W. (NE);

(159) 42°05'35.51"N., 70°02'08.14"W. (SE);

(160) 42°07'44.89"N., 70°28'15.44"W. (SW);

(161) 42°32'53.52"N., 70°35'52.38"W. (WNW); and

(162) 42°39'04.08"N., 70°30'11.29"W. (NNW).

(163) The western border is formed by a straight line connecting the most southwest and the west-northwest points of the Sanctuary. At the most west-northwest point, the Sanctuary border follows a line contiguous with the three-mile jurisdictional boundary of Massachusetts to the most north-northwest point. From this point, the northern border is formed by a straight line connecting the most north-northwest point and the most northeast point. The eastern border is formed by a straight line connecting the most northeast and the most southeast points of the Sanctuary. The southern border follows a straight line between the most southwest point and a point located at 42°06'54.57"N., 70°16'42.7"W. From that point, the southern border then continues in a west-to-east direction along a line contiguous with the three-mile jurisdictional boundary of Massachusetts until reaching the most southeast point of the Sanctuary. The boundary coordinates are listed in appendix A to this subpart.

(164)

§922.141 Definitions.

(165) In addition to those definitions found at §922.3, the following definitions apply to this subpart:

(166) *Industrial* material means mineral, as defined in §922.3.

(167) *Traditional fishing* means those commercial or recreational fishing methods which have been conducted in the past within the Sanctuary.

(168)

§922.142 Prohibited or otherwise regulated activities.

(169) (a) Except as specified in paragraphs (b) through (f) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or cause to be conducted:

(170) (1)(i) Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter except:

(171) (A) Fish, fish parts, chumming materials or bait used in or resulting from traditional fishing operations in the Sanctuary;

(172) (B) Biodegradable effluent incidental to vessel use and generated by marine sanitation devices approved in accordance with Section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322 *et seq.;*

(173) (C) Water generated by routine vessel operations (e.g. cooling water, deck wash down and graywater as defined by Section 312 of the FWPCA) excluding oily wastes from bilge pumping; or

(174) (D) Engine exhaust;

(175) (ii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter, except those listed in paragraphs (a)(1)(i)(A) through (D) of this section, that subsequently enters the Sanctuary and injures as Sanctuary resource or quality.

(176) (2) Exploring for, developing or producing industrial materials within the Sanctuary.

(177) (3) Drilling into, dredging or otherwise altering the seabed of the Sanctuary; or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary, except as incidental result of:

(178) (i) Anchoring vessels;

(179) (ii) Traditional fishing operations; or

(180) (iii) Installation of navigation aids.

(181) (4) Moving, removing or injuring, or attempting to move, remove or injure, a Sanctuary historical resource. This prohibition does not apply to moving, removing or injury resulting incidentally from traditional fishing operations.

(182) (5) Taking any marine reptile, marine mammal or seabird in or above the Sanctuary, except as permitted by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.,* the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.,* and

the Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq*.

(183) (6) Lightering in the Sanctuary.

(184) (7) Possessing within the Sanctuary (regardless of where taken, moved or removed from), except as necessary for valid law enforcement purposes, any historical resource, or any marine mammal, marine reptile or seabird taken in violation of the MMPA, ESA or MBTA.

(185) (8) Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of the Act or any regulation or permit issued under the Act.

(186) (b) The prohibitions in paragraphs (a)(1), (3) through (8) of this section do not apply to any activity necessary to respond to an emergency threatening life, property or the environment.

(187) (c)(1)(i) All Department of Defense military activities shall be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities.

(188) (ii) Department of Defense military activities may be exempted from the prohibitions in paragraphs (a)(1) and (3) through (7) of this section by the Director after consultation between the Director and the Department of Defense.

(189) (iii) If it is determined that an activity may be carried out, such activity shall be carried out in a manner that avoids to the maximum extent practicable any adverse impact on Sanctuary resources and qualities. Civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers are excluded from the scope of this paragraph (c).

(190) (2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings caused by the Department of Defense, the Department of Defense shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(191) (d) The prohibitions in paragraphs (a)(1) and (3) through (7) of this section do not apply to any activity executed in accordance with the scope, purpose, terms and conditions of a National Marine Sanctuary permit issued pursuant to §922.48 and §922.143 or a Special Use permit issued pursuant to Section 310 of the Act.

(192) (e) The prohibitions in paragraphs (a)(1) and (3) through (7) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after the effective date of Sanctuary designation (November 4, 1992) and issued by any Federal, State or local authority of competent jurisdiction, provided that the applicant complies with §922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualifies. Amendments, renewals and extensions of authorizations in existence on the effective date designation constitute authorizations issued after the effective date.

(193) (f) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a permit under §922.48 and §922.143, or under section 310 of the act, authorizing, otherwise approving, the exploration for, development or production of industrial materials within the Sanctuary, or the disposal of dredged materials within the Sanctuary (except by certification, pursuant to §922.47, of valid authorizations in existence on November 4, 1992) and any leases, licenses, permits, approvals or other authorizations authorizing the exploration, for development or production of industrial materials in the Sanctuary issued by other authorities after November 4, 1992, shall be invalid.

(194)

§922.143 Permit procedures and criteria.

(195) (a) A person may conduct an activity prohibited by §922.142 (a)(1) and (3) through (7) if conducted in accordance with scope, purpose, manner, terms and conditions of a permit issued under this section and §922.48.

(196) (b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management, ATTN: Manager, Stellwagen Bank National Marine Sanctuary, 14 Union Street, Plymouth, MA 02360.

(197) (c) The Director, at his or her discretion may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by §922.142(a)(1) and (3) through (7), if the Director finds that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will: further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director may consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may consider such other factors as he or she deems appropriate.

(198) (d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(199) (e) The Director may, *inter alia,* make it a condition of any permit issued that any data or information obtained under the permit be made available to the public.

(200) (f) The Director may, *inter alia,* make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress or results of any activity authorized by the permit.

(201)

Appendix A to Subpart N of Part 922—Stellwagen Bank National Marine Sanctuary Boundary Coordinates

[Appendix Based on North American Datum of 1927]

Pt.	Latitude	Longitude	Loran 9960W	Loran 9960X
E1	42°45'59.83"	70°13'01.77"	13,607.19	25,728.57
E2	42°05'35.51"	70°02'08.14"	13,753.39	25,401.78
E3	42°06'08.25"	70°03'17.55"	13,756.72	25,412.46
E4	42°06'02.53"	70°04'03.36"	13,760.30	25,417.53
E5	42°07'02.70"	70°05'13.61"	13,764.52	25,427.27
E6	42°07'13.00"	70°06'23.75"	13,770.54	25,434.45
E7	42°07'35.95"	70°07'27.89"	13,775.08	25,442.51
E8	42°07'42.33"	70°08'26.07"	13,780.35	25,448.27
E9	42°07'59.94"	70°09'19.78"	13,784.24	25,455.02
E10	42°08'04.95"	70°10'24.40"	13,790.27	25,461.28
E11	42°07'55.19"	70°11'47.67"	13,799.38	25,467.56
E12	42°07'59.84"	70°13'03.35"	13,806.58	25,474.95
E13	42°07'46.55"	70°14'21.91"	13,815.52	25,480.62
E14	42°07'27.29"	70°15'22.95"	13,823.21	25,484.05
E15	42°06'54.57"	70°16'42.71"	13,833.88	25,487.79
E16	42°07'44.89"	70°28'15.44"	13,900.14	25,563.22
E17	42°32'53.52"	70°35'52.38"	13,821.60	25,773.51
E18	42°33'30.24"	70°35'14.96"	13,814.43	25,773.54
E19	42°33'48.14"	70°35'03.81"	13,811.68	25,774.28
E20	42°34'30.45"	70°34'22.98"	13,803.64	25,774.59
E21	42°34'50.37"	70°33'21.93"	13,795.43	25,770.55
E22	42°35'16.08"	70°32'32.29"	13,787.92	25,768.31
E23	42°35'41.80"	70°31'44.20"	13,780.57	25,766.25
E24	42°36'23.08"	70°30'58.98"	13,772.14	25,766.14
E25	42°37'15.51"	70°30'23.01"	13,763.69	25,768.12
E26	42°37'58.88"	70°30'06.60"	13,758.09	25,771.07
E27	42°38'32.46"	70°30'06.54"	13,755.07	25,774.58
E28	42°39'04.08"	70°30'11.29"	13,752.75	25,778.35

(202)

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

(203)

Part 26–VesselBridge-to-Bridge Radiotelephone Regulations

(204)

§26.01 Purpose

(205) (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part–

(206) (1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(207) (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(208) (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(209) (b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

(210)

§26.02 Definitions.

(211) For the purpose of this part and interpreting the Act–

(212) *Act* means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201–1208;

(213) *Length* is measured from end to end over the deck excluding sheer;

(214) *Power-driven vessel* means any vessel propelled by machinery; and

(215) *Secretary* means the Secretary of the Department in which the Coast Guard is operating;

(216) *Territorial sea* means all waters as defined in § 2.22(a)(1) of this chapter.

(217) *Towing vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(218) *Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(219) *Vessel Traffic Service Area* or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(220) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry to report beyond this area to facilitate traffic management within the VTS area.

(221)

§26.03 Radiotelephone required.

(222) (a) Unless an exemption is granted under §26.09 and except as provided in paragraph (a)(4) of this section, this part applies to:

(223) (1) Every power-driven vessel of 20 meters or over in length while navigating;

(224) (2) Every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(225) (3) Every towing vessel of 26 feet or over in length while navigating; and

(226) (4) Every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or

affect navigation of other vessels except for an unmanned or intermittently manned floating plant under the control of a dredge.

(227) (b) Every vessel, dredge, or floating plant described in paragraph (a) of this section must have a radiotelephone on board capable of operation from its navigational bridge, or in the case of a dredge, from its main control station, and capable of transmitting and receiving on the frequency or frequencies within the 156-162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission for the exchange of navigational information.

(228) (c) The radiotelephone required by paragraph (b) of this section must be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States.

(229) (d) The radiotelephone required by paragraph (b) of this section must be capable of transmitting and receiving on VHF-FM channel 22A (157.1 MHz).

(230) (e) While transiting any of the following waters, each vessel described in paragraph (a) of this section also must have on board a radiotelephone capable of transmitting and receiving on VHF-FM channel 67 (156.375 MHz):

(231) (1) The lower Mississippi River from the territorial sea boundary, and within either the Southwest Pass safety fairway or the South Pass safety fairway specified in 33 CFR 166.200, to mile 242.4 AHP (Above Head of Passes) near Baton Rouge;

(232) (2) The Mississippi River-Gulf Outlet from the territorial sea boundary, and within the Mississippi River-Gulf outlet Safety Fairway specified in 33 CFR 166.200, to that channel's junction with the Inner Harbor Navigation Canal; and

(233) (3) The full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to that canal's entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

(234) (f) In addition to the radiotelephone required by paragraph (b) of this section, each vessel described in paragraph (a) of this section while transiting any waters within a Vessel Traffic Service Area, must have on board a radiotelephone capable of transmitting and receiving on the VTS designated frequency in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

(235) **Note:** A single VHF-FM radio capable of scanning or sequential monitoring (often referred to as "dual watch" capability) will not meet the requirements for two radios.

(236)

§26.04 Use of the designated frequency.

(237) (a) No person may use the frequency designated by the Federal Communications Commission under section 8 of the Act, 33 U.S.C. section 1207(a), to transmit any information other than information necessary for the safe navigation of vessels or necessary tests.

(238) (b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(239) (c) Nothing in these regulations may be construed as prohibiting the use of the designated frequency to communicate with shore stations to obtain or furnish information necessary for the safe navigation of vessels.

(240) (d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with §26.05(a) except that in the area prescribed in §26.03(e), channel 67 (156.375 MHz) is the designated frequency.

(241) (e) On those navigable waters of the United States within a VTS area, the designated VTS frequency is an additional designated frequency required to be monitored in accordance with §26.05.

(242)

§26.05 Use of radiotelephone.

(243) Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

(244)

§26.06 Maintenance of radiotelephone; failure of radiotelephone.

(245) Section 6 of the Act states–(a) Whenever radiotelephone capability is required by this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it or cause it to be restored to effective operating condition at the earliest practicable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

(246)

§26.07 Communications.

(247) No person may use the services of, and no person may serve as, a person required to maintain a listening watch under section 5 of the Act, 33 U.S.C. 1204, unless the person can communicate in the English language.

(248)

§26.08 Exemption procedures.

(249) (a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to grant

exemptions from provisions of the Vessel Bridge-to-Bridge Radiotelephone Act and this part.

(250) (b) Any person may petition for an exemption from any provision of the Act or this part;

(251) (c) Each petition must be submitted in writing to Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318, and must state:

(252) (1) The provisions of the Act or this part from which an exemption is requested; and

(253) (2) The reasons why marine navigation will not be adversely affected if the exemption is granted and if the exemption relates to a local communication system how that system would fully comply with the intent of the concept of the Act but would not conform in detail if the exemption is granted.

(254)

§26.09 List of exemptions.

(255) (a) All vessels navigating on those waters governed by the navigation rules for Great Lakes and their connecting and tributary waters (33 U.S.C. 241 et seq.) are exempt from the requirements of the Vessel Bridge-to-Bridge Radiotelephone Act and this part until May 6, 1975.

(256) (b) Each vessel navigating on the Great Lakes as defined in the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001 et seq.) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201–1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§26.03, 26.04, 26.05, 26.06, and 26.07. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1-9 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

(257)

Part 80–COLREGSDemarcation Lines

(258)

§80.01 General basis and purpose of demarcation lines.

(259) (a) The regulations in this part establish the lines of demarcation delineating those waters upon which mariners shall comply with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) and those waters upon which mariners shall comply with the Inland Navigation Rules.

(260) (b) The waters inside of the lines are Inland Rules Waters. The waters outside the lines are COLREGS Waters.

(261) (c) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(262)

§80.105 Calais, Maine to Cape Small, Maine.

(263) The 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine from International Bridge at Calais, ME to the southwesternmost extremity of Bald Head at Cape Small.

(264)

§80.110 Casco Bay, Maine.

(265) (a) A line drawn from the southwesternmost extremity of Bald Head at Cape Small to the southeasternmost extremity of Ragged Island; thence to the southern tangent of Jaquish Island thence to Little Mark Island Monument Light; thence to the northernmost extremity of Jewell Island.

(266) (b) A line drawn from the tower on Jewell Island charted in approximate position latitude 43°40.6'N., longitude 70°05.9'W. to the northeasternmost extremity of Outer Green Island.

(267) (c) A line drawn from the southwesternmost extremity of Outer Green Island to Ram Island Ledge Light; thence to Portland Head Light.

(268)

§80.115 Portland Head, Maine to Cape Ann, Mass

(269) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays, and inlets on the east coast of Maine, New Hampshire, and Massachusetts from Portland Head to Halibut Point at Cape Ann.

(270) (b) A line drawn from the southernmost tower on Gerrish Island charted in approximate position latitude 43°04.0'N., longitude 70°41.2'W. to Whaleback Light; thence to Jaffrey Point Light 2A; thence to the northeasternmost extremity of Frost Point.

(271) (c) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

(272)

§80.120 Cape Ann, MA to Marblehead Neck, MA

(273) (a) Except inside lines specifically described in this section, the 72 COLREGS shall apply on the harbors, bays and inlets on the east coast of Massachusetts from Halibut Point at Cape Ann to Marblehead Neck.

(274) (b) A line drawn from Gloucester Breakwater Light to the twin towers charted in approximate position latitude 42°35.1'N., longitude 70°41.6'W.

(275) (c) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island; thence to Bakers Island Light; thence to Marblehead Light.

(276)

§80.125 Marblehead Neck, MA to Nahant, MA

(277) The 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from Marblehead Neck to the easternmost tower at Nahant, charted in approximate position latitude 42°25.4'N., longitude 70°54.6'W.

(278)

§80.130 Boston Harbor entrance.

(279) A line drawn from the easternmost tower at Nahant, charted in approximate position latitude 42°25.4'N., longitude 70°54.6'W., to Boston Lighted Horn Buoy "B"; thence to the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7'N., longitude 70°52.6'W.

(280)

§80.135 Hull, MA to Race Point, MA

(281) (a) Except inside lines described in this section, the 72 COLREGS apply on the harbors, bays, and inlets on the east coast of Massachusetts from the easternmost radio tower at Hull, charted in approximate position latitude 42°16.7'N., longitude 70°52.6'W., to Race Point on Cape Cod.

(282) (b) A line drawn from Canal Breakwater Light 4 south to the shoreline.

(283)

Part 110–AnchorageRegulations

(284)

§110.1 General.

(285) (a) The areas described in subpart A of this part are designated as special anchorage areas for the purposes of rule 30 (33 CFR 83.30) and rule 35 (33 CFR 83.35) of the Inland Navigation Rules, 33 CFR Chapter I, Subchapter E. Vessels of less than 20 meters in length; and barges, canal boats, scows, or other nondescript craft, are not required to sound signals required by rule 35 of the Inland Navigation Rules. Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules.

(286) (b) The anchorage grounds for vessels described in Subpart B of this part are established, and the rules and regulations in relation thereto adopted, pursuant to the authority contained in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471).

(287) (c) All bearings in the part are referred to true meridian.

(288) (d) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(289)

Subpart A–Special Anchorage Areas

(290)

§110.4 Penobscot Bay, Maine.

(291) (a) *Rockland Harbor.* Beginning at a point bearing 244°, 1,715 yards, from Rockland Breakwater Light; thence 260°, 490 yards, to a point bearing 248° from Rockland Breakwater Light; thence 350°, 580 yards, to a point bearing 263° from Rockland Breakwater Light; thence 83°, 480 yards, to a point bearing 263° from Rockland Breakwater Light; and thence 169°, 550 yards, to the point of beginning. This area is limited to vessels no greater than 20 meters in length.

(292) **Note to paragraph (a):** This area is primarily for use by yachts and other recreational craft. Temporary floats or buoy for marking the location of the anchor may be used. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. All anchoring in the area shall be under the supervision of the local harbormaster or such authority as may be designated by authorities of the City of Rockland, Maine. Requests for placement of mooring buoys shall be directed to the local government. Fixed mooring piles or stakes are prohibited.

(293) (b) *Camden Harbor, Sherman Cove and adjacent waters.*

(294) (1) *Anchorage A.* All of the waters enclosed by a line beginning at Eaton Point at

(295) 44°12'31"N., 069°03'34"W.; thence to

(296) 44°12'28"N., 069°03'33"W.; thence to

(297) 44°12'32"N., 069°02'49"W.; thence along the shoreline to the point of beginning. DATUM: NAD83

(298) (2) *Anchorage B.* All of the waters enclosed by a line beginning at Dillingham Point at

(299) 44°12'12"N., 069°03'20"W.; thence to

(300) 44°12'14"N., 069°02'58"W.; thence to

(301) 44°12'19"N., 069°03'08"W.; thence to

(302) 44°12'28"N., 069°03'13"W.; thence to

(303) 44°12'26"N., 069°03'39"W.; thence along the shoreline to the point of beginning. DATUM: NAD83

(304) **Note to paragraph (b):** Anchorages A and B are special anchorage areas reserved for yachts and other recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings must be so placed that no vessel when anchored is at any time extended into the thoroughfare. This is to ensure that a distance of approximately 150 feet is left between Anchorages A and B for vessels entering or departing from Camden Harbor. All anchoring in the area is under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Camden, Maine.

(305) (c) *Stonington Harbor, Deer Island Thorofare.*

(306) (1) *Crotch Island*. All of the waters bound by the following points beginning at the northeast shore of Crotch Island located at

(307) 44°08'51.0"N., 068°40'06.0"W.; thence southerly along the shoreline to

(308) 44°08'36.0"N., 068°40'07.02"W.; thence to

(309) 44°08'36.0"N., 068°40'04.02"W.; thence to

(310) 44°08'46.98"N., 068°40'00.0"W.; thence to

(311) 44°08'55.02"N., 068°39'49.02"W.; thence to

(312) 44°08'54.0"N., 068°40'06.0"W.; thence back to origin. DATUM: NAD 83

(313) (2) [Reserved]

(314) **Note to paragraph (c)**: An ordinance of the Town of Stonington, Maine requires the approval of the Stonington Harbor Master for the location and type of moorings placed in these special anchorage areas. All anchoring in the areas are under the supervision of the Stonington Harbor Master or other such authority as may be designated by the authorities of the Town of Stonington, Maine. All moorings are to be so placed that no moored vessel will extend beyond the limit of the area.

(315)

§110.5 Casco Bay, Maine

(316) (a) *Beals Cove, west side of Orrs Island, Harpswell*. The entire cove as defined by the shoreline and a line across the entrance bearing 215° and tangent to the shore on the north side.

(317) (a–1) *Merriconeag Sound, Harpswell*. The area comprises that portion of the Sound beginning at a point on the shoreline about 1,000 feet northeasterly from the southwesterly extremity of Orr's Island at

(318) 43°45'09"N., 69°59'14"W., thence extending 290° to a point at

(319) 43°45'10"N., 69°59'20"W., thence extending 20° to a point at

(320) 43°45'34"N., 69°59'05"W., thence extending 110° to a point on the shoreline at

(321) 43°45'33"N., 69°58'58"W., thence along the shoreline to the point of beginning.

(322) **Note:** The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area. Fixed mooring piles or stakes are prohibited. All anchoring in the area shall be under the supervision of the local harbor master or such authority as may be designated by authorities of the Town of Harpswell, Maine.

(323) (a–2) *Mackerel Cove, Bailey Island, Harpswell*. The water area of Mackerel Cove lying northeasterly of a line from a point on Abner Point at

(324) 43°43'28"N., 70°00'19"W., to a point on Bailey Island at

(325) 43°43'18.2"N., 70°00'12.2"W.

(326) (b) *Harpswell Harbor, east side of Harpswell Neck, Harpswell*. The entire area lying westerly of a line bearing 8° from the eastern extremity of Stovers Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° from the observatory on Orrs Island.

(327) (c) *Basin Cove, west side of Harpswell Neck, Harpswell*. All of the area lying northeasterly of a line bearing 350° from the northwest corner of the entrance to the cove.

(328) (c–1) *Basin Point, Potts Harbor, east side of Basin Point*. The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at

(329) 43°44'17"N., 70°02'36"W.; thence easterly to

(330) 43°44'17"N., 70°02'19"W.; thence north northeasterly to a point on the shoreline at

(331) 43°44'43"N., 70°02'05"W.; thence following the shoreline to the point of beginning.

(332) (d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth*. All of the waters enclosed by a line beginning at the Dock House (F.S.) located at

(333) 43°44'22"N., 70°11'41"W.; thence to

(334) 43°44'19"N., 70°11'33"W.; thence to

(335) 43°44'00"N., 70°11'44"W.; thence to

(336) 43°43'37"N., 70°11'37"W.; thence to

(337) 43°43'04"N., 70°12'13"W.; thence to

(338) 43°41'56"N., 70°12'53"W.; thence to

(339) 43°41'49"N., 70°13'05"W.; thence to

(340) 43°42'11"N., 70°13'30"W.; thence along the shoreline to the point of beginning. DATUM: NAD 83.

(341) **Note to paragraph (d)**. The area designed by paragraph (d) of this section is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings must be so placed so that no vessel when anchored is at any time extended into the thoroughfare. All anchoring in the area is under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Falmouth, Maine.

(342) (e) *Harraseeket River*. That portion of the Harraseeket River within the mean low water lines, between Stockbridge Point and Weston Point, excluding therefrom a thoroughfare, 100 feet wide, the center line of which follows the natural channel.

(343) **Note:** This area is reserved for yachts and other small recreational craft. Fore and aft moorings will be allowed in this area. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel when anchored shall at any time extend into the thoroughfare. All anchoring in the area shall be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Freeport, Maine.

(344) (f) Yarmouth Harbor and adjacent waters. (1) Littlejohn Island/Doyle Point Cousins Island Special Anchorage. All of the waters enclosed by a line connecting

the following points: Starting from the northernmost point of Littlejohn Island at

(345) 43°45'51.6"N., 70°06'57.0"W.; thence to

(346) 43°45'46.8"N., 70°06'53.4"W.; thence to

(347) 43°45'25.8"N., 70°07'22.8"W.; thence to

(348) 43°45'16.8"N., 70°07'40.8"W.; thence to

(349) 43°44'57.0"N., 70°08'27.0"W.; thence to

(350) 43°44'59.9"N., 70°08'30.0"W. DATUM: NAD 83.

(351) (2) Madeleine and Sandy Point Special Anchorage. All of the waters enclosed by a line connecting the following points: Starting from a point northeast of Birch Point on Cousins Island at

(352) 43°45'15.1"N., 70°09'16.8"W.; thence to

(353) 43°45'21.0"N., 70°09'30.0"W.; thence to

(354) 43°45'37.8"N., 70°09'10.9"W.; thence to

(355) 43°45'57.0"N., 70°08'58.8"W.; thence to

(356) 43°46'01.3"N., 70°08'45.0"W. DATUM: NAD 83.

(357) (3) Drinkwater Point and Princes Point Special Anchorage. All of the waters enclosed by a line connecting the following points: Starting south of Drinkwater Point in Yarmouth, Maine at

(358) 43°46'26.8"N., 70°09'17.0"W.; thence to

(359) 43°46'21.0"N., 70°09'09.6"W.; thence to

(360) 43°46'04.2"N., 70°09'46.2"W.; thence to

(361) 43°45'28.8"N., 70°10'24.0"W.; thence to

(362) 43°45'43.2"N., 70°10'24.0"W. DATUM: NAD 83.

(363) **Note to paragraph (f)**. An ordnance of the Town of Yarmouth, Maine requires the approval of the Yarmouth Harbor Master for the location and type of moorings placed in these special anchorage areas. All anchoring in the areas are under the supervision of the Yarmouth Harbor Master or other such authority as may be designated by the authorities of the Town of Yarmouth, Maine. All moorings are to be so placed that no moored vessel will extend beyond the limit of the anchorage area.

(364)

§110.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).

(365) Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at

(366) 43°40'13"N., 70°12'00"W.; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at

(367) 43°40'03"N., 70°12'15"W.; thence extending along the northerly side of the wharf to its shoreward end at

(368) 43°40'03"N., 70°12'17"W.; thence extending along the shoreline of Little Diamond Island to

(369) 43°40'11"N., 70°12'20"W.; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at

(370) 43°40'21"N., 70°12'06"W.; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at

(371) 43°40'15"N., 70°12'02"W.; thence extending along the southwesterly side of the wharf to the point of beginning.

(372) **Note**: The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area.

(373)

§110.6a Fore River, Portland Harbor, Portland, Maine.

(374) The water area beginning at a point on the shoreline near the Coast Guard Base in position

(375) 43°38'43"N., 70°14'49"W., thence 319° to

(376) 43°38'55"N., 70°15'03"W., thence 050° to

(377) 43°39'06"N., 70°14'43"W., thence 161° to mainland; and thence southwesterly along the shore to the point of beginning.

(378)

§110.9 Wells Harbor, Maine.

(379) (a) *Anchorage "A"*. All of the waters enclosed by a line beginning at

(380) 43°19'15.7"N., 70°33'42.1"W.; thence to

(381) 43°19'15.7"N., 70°33'40.3"W.; thence to

(382) 43°19'03.7"N., 070°33'42.6"W.; thence to

(383) 43°19'02.6"N., 70°33'45.7"W.; thence to the point of beginning. This area is approximately 5,800 sq. yards, encompassing the central portion of Wells Harbor.

(384) (b) *Anchorage "B"*. All of the waters enclosed by a line beginning at

(385) 43°19'11.1"N., 70°33'49.8"W.; thence to

(386) 43°19'10.5"N., 70°33'47.3"W.; thence to

(387) 43°19'08.3"N., 070°33'47.3"W.; thence to

(388) 43°19'08.7"N., 070°33'50.6"W.; thence to the point of beginning. This area is approximately 25,000 sq. yards, encompassing the western portion of Wells Harbor.

(389) (c) *Anchorage "C"*. All of the waters enclosed by a line beginning at

(390) 43°19'17.7"N., 70°33'34.0"W.; thence to

(391) 43°19'18.4"N., 70°33'32.9"W.; thence to

(392) 43°19'13.8"N., 070°33'25.5"W.; thence to

(393) 43°19'13.0"N., 070°33'26.2"W.; thence to the point of beginning. This area is approximately 8,200 sq. yards, encompassing the eastern portion of Wells Harbor.

(394)

§110.10 Portsmouth Harbor, N.H., north of Newcastle Island.

(395) From the northernmost point of Goat Island to 43°04'25"N., 070°43'37"W.; thence 089°30' for 1025 yards; thence 120° for 285 yards, thence 213° to the shoreline of Newcastle Island, thence along the shoreline of Newcastle Island and across the breakwater to Goat Island and to the point of beginning.

(396)

§110.25 Salem Sound, MA

(397) (a) *Beverly Harbor, north of Salem Neck, Salem, MA*. A line extending from the northerly end of the Salem

Willows Yacht Club House 360 yards bearing 281° true to
(398) 42°32'14.3"N., 70°52'24.17"W.; thence north 275 yards to Monument Bar Beacon thence 540 yards bearing 080° to
(399) 42°32'25.3"N., 70°52'2.1"W., thence 365 yards bearing 175° to
(400) 42°32'14.3"N., 70°52'1.1"W.; thence 237° to the shore. [NAD83]
(401) (b) *Bass River*. All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.
(402) (c) *South Channel*. Bounded by a line commencing at the northern most point of Peach's Point at
(403) 42°31'08.6"N., 70°50'32.8"W.; thence westerly to a point, at
(404) 42°31'21.9"N., 70°51'15.1"W. off Fluen Point; thence westerly to a point at
(405) 42°31'19.3"N., 70°51'47.4"W. off Naugus Head; thence southwesterly to a point at
(406) 42°31'00.3" N., 70°51'16.6" W. east of Folger Point; thence to a point at
(407) 42°30'38.3"N.,70°52'34.6"W.; thence easterly to a point on Long Point at
(408) 42°30'52.6"N., 70°53'05"W. The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels, the placing of moorings, and the maintenance of fairways will be under the jurisdiction of the local Harbor Master.
(409) (d) *Beverly and Mackerel Coves, north side of Beverly Harbor*. The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bearing 238°, 1,400 yards to
(410) 42°32'29.7"N., 70°51'32.1"W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.
(411) (e) *Collins Cove, Salem, MA*. The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to
(412) 42°32'14.5"N., 70°52'46.3"W.; thence 284°, 220 yards to
(413) 42°32'16"N., 70°52'55"W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.
(414) **Note:** The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors are allowed. Fixed mooring piles or stakes are prohibited. All moorings must be so that no vessel, when anchored, will at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings are under the jurisdiction and at the direction of the local harbormaster.

(414.01)

§110.26 Marblehead Harbor, Marblehead, Mass.

(414.02) The area comprises that portion of the harbor lying between the extreme low water line and southwestward of a line bearing 336° from Marblehead Neck Light to a point on Peachs Point at latitude 42°31'03", longitude 70°50'30".
(414.03) **Note:** The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors are allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so that no vessel, when anchored, shall at any time extend beyond the limits of the area. The anchoring of vessels and the placing of temporary moorings are under the jurisdiction and at the direction of the local harbormaster.

(415)

§110.27 Lynn Harbor in Broad Sound, MA.

(416) North of a line bearing 244° from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358°, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88°, extending thence to the shore; and south and west of the shoreline to its intersection with the south boundary.

(417)

§110.29 Boston Inner Harbor, MA.

(418) (a) *Vicinity of Pleasant Park Yacht Club, Winthrop*. Southerly of a line bearing 276° from a point on the west side of Pleasant Street, Winthrop, 360 feet from the southwest corner of its intersection with Main Street; westerly of a line bearing 186° from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line bearing 256° from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street and easterly of a line bearing 182° from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.
(419) (b) *Mystic River, east side of Tobin Bridge*. Beginning at a line running from a point on the Tobin Bridge at
(420) 42°23'08.5"N., 071°02'48.2"W. to a point at
(421) 42°23'06.4"N., 071°02'43.7"W.; thence northwest to a point at
(422) 42°23'09.1"N., 071°02'43.2"W. along the shoreline to the western side of Tobin Bridge, thence to the point of origin.
(423) (c) *Mystic River, west side of Tobin Bridge*. Beginning at a line running from a point on the Tobin Bridge at
(424) 42°23'08.8"N., 071°02'48.6"W. to a point at
(425) 42°23'10.5"N., 071°05'52"W.; thence northwest to the southeasterly corner of the pier at
(426) 42°23'13.4"N. 071°02'57.1"W. along the pier to the shoreline to the eastern side of Tobin Bridge, thence to the point of origin.
(427) (d) *Boston Inner Harbor A*. (1) The waters of the western side of Boston Inner Harbor north of the entrance

to the Fort Point Channel bound by the following points beginning at

(428) 42°21'32"N., 071°02'50"W; thence to

(429) 42°21'33"N., 071°02'44"W.; thence to

(430) 42°21'26"N., 071°02'36"W.; thence to

(431) 42°21'26"N., 071°02'53"W.; thence to point of origin. [NAD83].

(432) (2) The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the Harbormaster, City of Boston. All moorings must be so placed that no vessel, when moored, will at any time extend beyond the limits of the area.

(433) **Note to paragraph (d):** Administration of Special Anchorage Area is exercised by the Harbormaster, City of Boston, pursuant to local ordinances. The City of Boston will install and maintain suitable navigational aids to mark the limits of Special Anchorage areas.

(434)

§110.30 Boston Harbor, MA.

(435) (a) *Vicinity of South Boston Yacht Club, South Boston*. Northerly of a line bearing 96° from the stack of the heating plant of the Boston Housing Authority in South Boston; easterly of a line bearing 5° from the west shaft of the tunnel of the Boston Main Drainage Pumping Station; southerly of the shoreline; and westerly of a line bearing 158° from the northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(436) (b) *Dorchester Bay, in vicinity of Savin Hill Yacht Club*. Northerly of a line bearing 64° from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line bearing 163° from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; and southerly and easterly of the shoreline.

(437) (c) *Dorchester Bay, in vicinity of Dorchester Yacht Club*. Eastward of a line bearing 21° from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° from the southerly channel pier of the highway bridge; westward of the highway bridge and the shoreline; and northward of the shoreline.

(438) (d) *Quincy Bay, in vicinity of Wollaston and Squantum Yacht Clubs*. Northwesterly of a line bearing 36°30' from a point on the shore 2,600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line bearing 129°15' from the water tank in Squantum; and southeasterly and northeasterly of the shoreline.

(439) (e) *Quincy Bay, in vicinity of Merrymount Yacht Club*. South of a line starting from a point bearing 246°, 3,510 yards, from the stack of the pumping station on Nut Island, and extending thence 306° to the shore; west of a line bearing 190° from the aforesaid point to the shore; and north and east of the shoreline.

(440) (f) *Weymouth Fore River, in vicinity of Quincy Yacht Club*. A line from

(441) 42°16'46.9"N., 70°57'12.5"W. to

(442) 42°16'48.8"N., 70°57'5.5"W.; thence to

(443) 42°16'31"N., 70°56'23.1"W. to the northerly end of Raccoon Island to

(444) 42°15'48"N., 70°56'43.4"W.; thence along the western shoreline of Raccoon Island to

(445) 42°15'46.4"N., 70°56'55.4"W.; thence to

(446) 42°15'43"N. 70°57'5.8"W.; thence along the shoreline to the point of origin. [NAD83]

(447) (g) *Weymouth Fore River, in vicinity of Wessagussett Yacht Club*. Southwesterly of a line bearing 117° from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° from the eastern extremity of Rock Island Head; and northwesterly of the shoreline.

(448) (h) *Weymouth Fore River, in the vicinity of Gull Point (PT)*. All of the waters bound by the following points beginning at

(449) 42°15'05"N., 70°57'26"W.; thence to

(450) 42°15'00"N., 70°57'26"W.; thence to

(451) 42°15'15"N., 70°56'50"W.; thence to

(452) 42°15'18"N., 70°56'50"W.; thence to the point of the beginning. [NAD83]

(453) **Note to paragraph (h):** The area is principally for use by recreational craft. All anchoring in the area will be under the supervision of the local harbor master or such other authority as may be designated by the authorities of the Town of Weymouth, Massachusetts. All moorings are to be so placed that no moored vessel will extend beyond the limit of the anchorage area.

(454) (i) *Weymouth Back River, in vicinity of Eastern Neck*. The cove on the north side of the river lying northerly of a line bearing 264°30' from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf) to the shore of Eastern Neck, about 2,200 feet distant.

(455) (j) *Area No. 1 in Allerton Harbor*. That area north of Spinnaker Island beginning at

(456) 42°18'15.3"N., 70°53'44.1"W.; thence due east to

(457) 42°18'15.3"N., 70°53'27.6"W.; thence due south to

(458) 42°18'07.8"N., 70°53'27.6"W.; thence due west to

(459) 42°18'07.8"N., 70°53'44.1"W.; thence due north to the point of beginning. [NAD83]

(460) (k) *Area No. 2 in Hull Bay*. That area south of Hog Island beginning at

(461) 42°17'50.8"N., 70°54'05.1"W.; thence due east to

(462) 42°17'50.8"N., 70°53'27.6"W.; thence due south to

(463) 42°17'30.3"N., 70°53'27.6"W.; thence due west to

(464) 42°17'30.3"N., 70°54'5.1"W.; thence due north to the point of beginning. [NAD83]

(465) (l) *Area No. 3 in Hull Bay*. That area north of Bumkin Island beginning at

(466) 42°17'22.3"N., 70°54'5.1"W.; thence due east to

(467) 42°17'22.3"N., 70°53'15.6"W.; thence due south to

(468) 42°17'01.3"N., 70°53'15.6"W.; thence due west to

(469) 42°17'01.3"N., 70°54'5.17"W.; thence due north to the point of beginning. [NAD83].

(470) **Note to paragraphs (j), (k), and (l):** The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, MA.

(471) (m) *Hingham Harbor Area 1*. Beginning at

(472) 42°15'39.3"N., 70°53'22.1"W.; thence to

(473) 42°15'53.8"N., 70°53'30.1"W.; thence to

(474) 42°15'56.3"N., 70°53'21.1"W.; thence to

(475) 42°15'42.3"N., 70°53'13.1"W.; thence to point of beginning. [NAD83]

(476) (n) *Hingham Harbor Area 2*. Beginning at

(477) 42°15'30.6"N., 70°53'0.5"W.; thence to

(478) 42°15'30.3"N., 70°53'11.6"W.; thence to

(479) 42°15'27.8"N., 70°53'16.1"W.; thence to

(480) 42°15'28.8"N., 70°53'29.1"W.; thence to

(481) 42°15'35.3"N., 70°53'32.1"W.; thence to

(482) 42°15'36.3"N., 70°53'34.6"W.; thence to

(483) 42°15'41.3"N., 70°53'32.6.5"W.; thence to

(484) 42°15'31.3"N., 70°53'26.1"W.; thence to

(485) 42°15'31.8"N., 70°53'01.1"W.; thence to point of beginning. [NAD83]

(486) (o) *Hingham Harbor Area 3*. Beginning at

(487) 42°15'33.3"N., 70°52'59.6"W.; thence to

(488) 42°15'33.8"N., 70°53'17.1"W.; thence to

(489) 42°15'35.8"N., 70°53'00.1"W.; thence to point of beginning. [NAD83]

(490) (p) *Hingham Harbor Area 4*. Beginning at

(491) 42°14'47.3"N., 70°53'07.6"W.; thence

(492) 42°14'48.8"N., 70°53'9.6"W.; thence to

(493) 42°14'54.3"N., 70°53'6.1"W.; thence to

(494) 42°14'56.9"N., 70°52'56.6"W.; thence to point of beginning. [NAD83]

(495) (q) *Hingham Harbor Area 5*. Beginning at

(496) 42°14'48.3"N., 70°52'55.1"W.; thence to

(497) 42°14'48.8"N., 70°53'0.1" W.; thence to

(498) 42°14'58.3"N., 70°52'49.1"W.; thence to

(499) 42°14'53.8"N., 70°52'48.1"W.; thence to point of beginning. [NAD83]

(500) **Note to paragraphs (m), (n), (o), (p) and (q)**: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

(501)

§110.31 Hull Bay and Allerton Harbor at Hull, MA

(502) (a) *Area No. 1 in Allerton Harbor*. That area north of Hog Island beginning at

(503) 42°18'15"N., 70°53'46"W.; thence due east to

(504) 42°18'15"N., 70°53'29.5"W.; thence due south to

(505) 42°18'07.5"N., 70°53'29.5"W.; thence due west to

(506) 42°18'07.5"N., 70°53'46"W.; thence due north to the point of beginning.

(507) (b) *Area No. 2 in Hull Bay*. That area south of Hog Island beginning at

(508) 42°17'50.5"N., 70°54'07"W.; thence due east to

(509) 42°17'50.5"N., 70°53'29.5"W.; thence due south to

(510) 42°17'30"N., 70°53'29.5"W.; thence due west to

(511) 42°17'30"N., 70°54'07"W.; thence due north to the point of beginning.

(512) (c) *Area No. 3 in Hull Bay*. That area north of Bumkin Island beginning at

(513) 42°17'22"N., 70°54'07"W.; thence due east to

(514) 42°17'22"N., 70°53'17.5"W.; thence due south to

(515) 42°17'01"N., 70°53'17.5"W.; thence due west to

(516) 42°17'01"N., 70°54'07"W.; thence due north to the point of beginning.

(517) **Note**: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and the placing of temporary moorings is under the jurisdiction, and at the discretion, of the local Harbor Master, Hull, MA.

(518)

§110.32 Hingham Harbor, Hingham, MA

(519) (a) *Area 1*. Beginning at

(520) 42°15'39"N., 70°53'24"W.; thence to

(521) 42°15'53.5"N., 70°53'32.0"W.; thence to

(522) 42°15'56.0"N., 70°53'23.0"W.; thence to

(523) 42°15'42.0"N., 70°53'15.0"W., thence to point of beginning.

(524) (b) *Area 2*. Beginning at

(525) 42°15'30.0"N., 70°53'02.5"W.; thence to

(526) 42°15'30.0"N., 70°53'13.5"W.; thence to

(527) 42°15'27.5"N., 70°53'18.0"W.; thence to

(528) 42°15'28.5"N., 70°53'31.0"W.; thence to

(529) 42°15'35.0"N., 70°53'34.0"W.; thence to

(530) 42°15'36.0"N., 70°53'36.5"W.; thence to

(531) 42°15'41.0"N., 70°53'34.5"W.; thence to

(532) 42°15'31.0"N., 70°53'28.0"W.; thence to

(533) 42°15'31.5"N., 70°53'03.0"W.; thence to point of beginning.

(534) (c) *Area 3*. Beginning at

(535) 42°15'33.0"N., 70°53'01.5"W.; thence to

(536) 42°15'33.5"N., 70°53'19.0"W.; thence to

(537) 42°15'35.5"N., 70°53'02.0"W.; thence to point of beginning.

(538) (d) *Area 4*. Beginning at

(539) 42°14'47.0"N., 70°53'09.5"W.; thence to

(540) 42°14'48.5"N., 70°53'11.5"W.; thence to

(541) 42°14'54.0"N., 70°53'08.0"W.; thence to

(542) 42°14'56.5"N., 70°52'58.5"W.; thence to point of beginning.

(543) (e) *Area 5*. Beginning at

(544) 42°14'48.0"N., 70°52'57.0"W.; thence to

(545) 42°14'48.5"N., 70°53'02.0"W.; thence to

(546) 42°14'58.0"N., 70°52'51.0"W.; thence to

(547) 42°14'53.5"N., 70°52'50.0"W.; thence to point of beginning.

(548) **Note:** The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed in the areas but fixed piles or stakes may not be placed. The anchoring of vessels and the placing of moorings will be under the jurisdiction of the local Harbor Master.

(549)

§110.37 Sesuit Harbor, Dennis, MA

(550) All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

(551) **Note:** The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

(552)

Subpart B–Anchorage Grounds

(553)

§110.130 Bar Harbor, Maine.

(554) (a) *Anchorage grounds*. (1) Anchorage "A" is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

(555) 44°23'43"N., 68°12'00"W.; thence to

(556) 44°23'52"N., 68°11'22"W.; thence to

(557) 44°23'23"N., 68°10'59"W.; thence to

(558) 44°23'05"N., 68°11'32"W.; returning to start.

(559) (2) Anchorage "B" is that portion of Frenchman Bay, Bar Harbor, ME enclosed by a rhumb line connecting the following points:

(560) 44°24'33"N., 068°13'09"W.; thence to

(561) 44°24'42"N., 068°11'47"W.; thence to copied

(562) 44°24'11"N., 068°11'41"W.; thence to

(563) 44°24'02"N., 68°13'03"W.; returning to start.

(564) (b) *Regulations*. (1) Anchorage A is a general anchorage ground reserved for passenger vessels, small commercial vessels and pleasure craft. Anchorage B is a general anchorage ground reserved primarily for passenger vessels 200 feet and greater.

(565) (2) These anchorage grounds are authorized for use year round.

(566) (3) Temporary floats or buoys for marking anchors will be allowed in all anchorage areas.

(567) (4) Fixed mooring, piles or stakes are prohibited.

(568) (5) Any vessels anchored in this area shall be capable of moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(569) (6) The anchoring of vessels is under the coordination of the local Harbormaster.

(570)

§110.131 Sheepscot River in the vicinity of Edgecomb, Maine.

(571) (a) *Anchorage grounds*. All of the waters enclosed by a line starting from a point located at the southwestern end of Davis Island at

(572) 43°59.655'N., 69°39.617'W., thence to

(573) 43°59.687'N., 69°39.691'W.; thence to

(574) 43°59.847'N., 69°39.743'W.; thence to

(575) 43°59.879'N., 69°39.559'W.; thence to

(576) 43°59.856'N., 69°39.488'W.; thence to

(577) 43°59.771'N., 69°39.585'W.; thence to the point of beginning. DATUM: NAD 83

(578) (b) *Regulations*. (1) This anchorage is reserved for vessels of all types, with drafts of 3 to 12 feet.

(579) (2) These anchorage grounds are authorized for use from May through October.

(580) (3) Vessels are limited to a maximum stay of 1 week.

(581) (4) Fixed moorings, piles of stakes are prohibited.

(582) (5) Vessels must not anchor so as to obstruct the passage of other vessels proceeding to or from other anchorage spaces.

(583) (6) Anchors must not be placed in the channel and no portion of the hull or rigging of any anchored vessel shall extend outside the limits of the anchorage area.

(584) (7) The anchorage of vessels is under the coordination of the local Harbormaster.

(585)

§110.132 Rockland Harbor, Maine.

(586) (a) *The anchorage grounds*–(1) *Anchorage A*. Beginning at a point bearing 158°, 1,075 yards, from Rockland Breakwater Light; thence 252°, 2,020 yards, to a point bearing 224° from Rockland Breakwater Light; thence 345°, 740 yards, to a point bearing 242° from Rockland Breakwater Light; thence 72°, 1,300 yards , to a point bearing 222° from Rockland Breakwater Light; and thence 120°, 1,000 yards, to the point of beginning.

(587) (2) *Anchorage B*. Beginning at a point bearing 273°, 400 yards, from Rockland Breakwater Light; thence 273°, 700 yards, to a point bearing 273° from Rockland Breakwater Light; thence 349°, 850 yards, to a point bearing 305° from Rockland Breakwater Light; thence 89°, 700 yards, to a point bearing 328° from Rockland Breakwater Light; and thence 169°, 900 yards, to the point of beginning.

(588) (b) *The regulations*. (1) Anchorages A and B are general anchorage grounds reserved for merchant vessels, commercial vessels or passenger vessels over 65 feet in length. Fixed moorings, piles or stakes are prohibited.

(589) (2) A distance of approximately 500 yards shall be left between Anchorages A and B for vessels entering or departing from the Port of Rockland. A distance of approximately 100 yards shall be left between Anchorage A and the Special Anchorage Area for vessels entering or departing facilities in the vicinity of Atlantic Point. Any vessel anchored in these anchorages shall be capable of

moving and when ordered to move by the Captain of the Port shall do so with reasonable promptness.

(590) (3) All other vessels within the Rockland Harbor area are prohibited from anchoring within 300 yards or operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight pier without permission from the Captain of the Port, Rockland, Maine, or his authorized representative.

(591)

§110.133 Kennebec River in vicinity of Bath, Maine.

(592) (a) *The anchorage grounds*. Vessels may anchor only within the following limits:

(593) (1) Northward of a line bearing 54° true and extending from a point on Passmore's wharf in prolongation with the north side of Commerce Street, Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(594) (2) Southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoa Point in Woolwich.

(595) (b) *The regulations*. (1) Vessels in the north anchorage shall be so anchored as to leave a clear fairway of 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east or Woolwich shore, for the passage of steamers, tows, rafts, and other watercraft.

(596) (2) The launching of vessels into the waters between the anchorages or the bringing up of such vessels by their anchors will be permitted: *Provided,* that the vessels so launched shall be removed there from within 12 hours from the time of anchorage.

(597)

§110.134 Portland Harbor, Maine.

(598) (a) *The anchorage grounds*–(1) *Anchorage A (general)*. Beginning at 43°39'37"N., 070°14'35"W.; thence approximately 090° for 1550 yards to Fort Gorges Island Ledge Buoy 4; thence 350° for 300 yards; thence 025° for 780 yards; thence 303° for 750 yards; thence 254° for 560 yards; thence 186° for 750 yards; and thence to the point of beginning.

(599) (2) *Anchorage B (general-primarily intended for deep draft vessels)*. Beginning at Fort Gorges Island Ledge Buoy 4; thence 062° to Little Diamond Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; 133° for 1200 yards; 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; thence 325° for 1700 yards to the point of beginning.

(600) (3) *Anchorage C*. Bounded on the northwest by House Island; on the north by a line running 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island, by a line running 198° from the westernmost point on Peak Island to Cushing Island, and by the shore of Cushing Island to its westernmost point; and on the southwest by a line running from the westernmost point on Cushing Island to Fort Scammel Point Light.

(601) (b) *The regulations*. (1) Anchorage B is intended for general purposes, but especially for use by oil tankers and other large deep-draft ships entering harbor at night and intending to proceed to the dock allotted at daylight the following morning or as soon as practicable. This area is also to be used for quarantine anchorage. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide for passage of ferry and other boats between Portland, Peak Island, and Bay Points. Any vessels anchored in this area shall be ready to move on short notice when ordered to do so by the Captain of the Port.

(602) (2) Anchorage C is intended for use only by small vessels and for temporary anchorage.

(603)

§110.138 Boston Harbor, MA

(604) (a) *The anchorage grounds*–(1) *Bird Island Anchorage*. Beginning at a point bearing 93°, 1,400 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 81°, 1,600 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 102°, 3,100 yards, from the aerial beacon on top of the Boston Custom House tower; thence to a point bearing 109°, 3,050 yards, from the aerial beacon on top of the Boston Custom House tower; and thence to the point of beginning.

(605) (2) *President Roads Anchorage*–(i) *40-foot anchorage*. Beginning at a point bearing 237°, 522 yards from Deer Island Light; thence to a point bearing 254°, 2,280 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; thence to a point bearing 278°, 2,438 yards from Deer Island Light; thence to a point bearing 319°, 933 yards from Deer Island Light; thence to a point bearing 319°, 666 yards from Deer Island Light; and thence to point of beginning.

(606) (ii) *35-foot anchorage*. Beginning at a point bearing 256°, 2,603 yards from Deer Island Light; thence to a point bearing 258°30', 3,315 yards from Deer Island Light; thence to a point bearing 264°, 3,967 yards from Deer Island Light; thence to a point bearing 261°, 2,290 yards from Deer Island Light; and thence to point of beginning.

(607) (3) *Long Island Anchorage*. East of Long Island, bounded as follows: Beginning at the southwesternmost point of Gallups Island; thence 270° to Long Island; thence southerly along the eastern shore line of Long Island to Bass Point; thence to the northernmost point of Rainsford Island; thence to Georges Island Gong Buoy 6; and thence to the point of beginning.

(608) (4) *Castle Island Anchorage*. Bounded on the north by Castle Island and adjacent land; on the east by a line between Castle Rocks Fog Signal Light and Old Harbor Shoal Buoy 2; on the southeast by a line between Old Harbor Shoal Buoy 2 and Old Harbor Buoy 4; and on the

west by a line running due north from Old Harbor Buoy 4 to the shore line at City Point.

(609) (5) *Explosives anchorage*. In the lower harbor, bounded on the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island; on the northwest by Rainsford Island; on the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island; and on the southeast by Peddocks Island.

(610) (b) *The regulations*. (1) The Captain of the Port may authorize the use of the President Roads Anchorage as an explosives anchorage when he finds that the interests of commerce will be promoted and that safety will not be prejudiced thereby. Vessels anchored in this area shall move promptly upon notification by the Captain of the Port.

(611) (2) In the Long Island Anchorage vessels shall anchor in the position designated by the Captain of the Port.

(612) (3) Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

(613)

Part 117–DrawbridgeOperation Regulations

(614)

Subpart A–General Requirements

(615)

§117.1 Purpose.

(616) (a) This part prescribes the general and special drawbridge operating regulations that apply to the drawbridges across the navigable waters of the United States and its territories. The authority to regulate drawbridges across the navigable waters of the United States is vested in the Secretary of Homeland Security.

(617) (b) Subpart A contains the general operation requirements that apply to all drawbridges.

(618) (c) Subpart B contains specific requirements for operation of individual drawbridges. These requirements are in addition to or vary from the general requirements in Subpart A. Specific sections in subpart B that vary from a general requirement in Subpart A supersede the general requirement. All other general requirements in Subpart A, that are not at variance, apply to the drawbridges and removable span bridges listed in Subpart B.

(619)

§117.4 Definitions.

(620) The following definitions apply to this part:

(621) *Appurtenance* means an attachment or accessory extending beyond the hull or superstructure that is not an integral part of the vessel and is not needed for a vessel's piloting, propelling, controlling, or collision avoidance capabilities.

(622) *Automated drawbridge* means a drawbridge that is operated by an automated mechanism, not a drawtender. An automated drawbridge is normally kept in the open to navigation position and closes when the mechanism is activated.

(623) *Deviation* means a District Commander's action authorizing a drawbridge owner to temporarily not comply with the drawbridge opening requirements in this part.

(624) *Drawbridge* means a bridge with an operational span that is intended to be opened for the passage of waterway traffic.

(625) *Drawspan* means the operational span of a drawbridge.

(626) *Lowerable* means a non-structural vessel appurtenance that is or can be made flexible, hinged, collapsible, or telescopic so that it can be mechanically or manually lowered.

(627) *Nonstructural* means that the item is not rigidly fixed to the vessel and can be relocated or altered.

(628) *Not essential to navigation* means that a nonstructural vessel appurtenance, when in the lowered position, would not adversely affect the vessel's piloting, propulsion, control, or collision-avoidance capabilities.

(629) *Public vessel* means a vessel that is owned and operated by the United States Government and is not engaged in commercial service, as defined in 46 U.S.C. 2101.

(630) *Remotely operated drawbridge* means a drawbridge that is operated by remote control from a location away from the drawbridge.

(631) *Removable span bridge* means a bridge that requires the complete removal of a span by means other than machinery installed on the bridge to open the bridge to navigation.

(632) *Untended* means that there is no drawtender at the drawbridge.

(633)

§117.5 When the drawbridge must open.

(634) Except as otherwise authorized or required by this part, drawbridges must open promptly and fully for the passage of vessels when a request or signal to open is given in accordance with this subpart.

(635)

§117.7 General requirements of drawbridge owners.

(636) Except for drawbridges that have been authorized, before January 3, 2007, to remain closed to navigation or as otherwise specified in subpart B, drawbridge owners must:

(637) (a) Provide the necessary drawtender(s) for the safe and prompt opening of the drawbridge.

(638) (b) Maintain the working machinery of the drawbridge in good operating condition.

(639) (c) Cycle the drawspan(s) periodically to ensure operation of the drawbridge.

(640) (d) Ensure that the drawbridge operates in accordance with the requirements of this part.

(641) (e) Any drawbridge allowed to remain closed to navigation prior to January 3, 2007, when necessary, must be returned to operable condition within the designated time set forth by the District Commander and will become subject to the requirements of this part.

(642)

§117.8 Permanent changes to drawbridge operation.

(643) (a) Anyone may submit a written request to the District Commander for a permanent change to a drawbridge operating requirement. The request must include documentation supporting or justifying the requested change.

(644) (b) If after evaluating the request, the District Commander determines that the requested change is not needed, he or she will respond to the request in writing and provide the reasons for denial of the requested change.

(645) (c) If the District Commander decides that a change may be needed, he or she will begin a rulemaking to implement the change.

(646)

§117.9 Delaying opening of a draw.

(647) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(648) **Note:** Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

(649)

§117.11 Unnecessary opening of the draw.

(650) No vessel owner or operator shall –

(651) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(652) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

(653)

§117.15 Signals.

(654) (a) *General*. (1) The operator of each vessel requesting a drawbridge to open shall signal the drawtender and the drawtender shall acknowledge that signal. The signal shall be repeated until acknowledged in some manner by the drawtender before proceeding.

(655) (2) The signals used to request the opening of the draw and to acknowledge that request shall be sound signals, visual signals, or radiotelephone communications described in this subpart.

(656) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(657) (b) *Sound signals*. (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(658) (2) As used in this section, prolonged blast means a blast of four to six seconds duration and short blast means a blast of approximately one second duration.

(659) (3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(660) (4) When the draw can be opened immediately, the sound signal to acknowledge a request to open the draw is one prolonged blast followed by one short blast sounded not more than 30 seconds after the requesting signal.

(661) (5) When the draw cannot be opened immediately, or is open and shall be closed promptly, the sound signal to acknowledge a request to open the draw is five short blasts sounded in rapid succession not more than 30 seconds after the vessel's opening signal. The signal shall be repeated until acknowledged in some manner by the requesting vessel.

(662) (c) *Visual signals*. (1) The visual signal to request the opening of a draw is–

(663) (i) A white flag raised and lowered vertically; or

(664) (ii) A white, amber, or green light raised and lowered vertically.

(665) (2) When the draw can be opened immediately, the visual signal to acknowledge a request to open the draw, given not more than 30 seconds after the vessel's opening signal, is–

(666) (i) A white flag raised and lowered vertically;

(667) (ii) A white, amber, or green light raised and lowered vertically, or

(668) (iii) A fixed or flashing white, amber, or green light or lights.

(669) (3) When the draw cannot be opened immediately, or is open and must be closed promptly, the visual signal to acknowledge a request to open the draw is–

(670) (i) A red flag or red light swung back and forth horizontally in full sight of the vessel given not more than 30 seconds after the vessel's opening signal; or

(671) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(672) (4) The acknowledging signal when the draw cannot open immediately or is open and must be closed promptly shall be repeated until acknowledged in some manner by the requesting vessel.

(673) (d) *Radio telephone communications*. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(674) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(675) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

(676)

§117.17 Signalling for contiguous drawbridges.

(677) When a vessel must pass two or more drawbridges close together, the opening signal is given for the first bridge. After acknowledgment from the first bridge that it will promptly open, the opening signal is given for the second bridge, and so on until all bridges that the vessel must pass have been given the opening signal and have acknowledged that they will open promptly.

(678)

§117.19 Signalling when two or more vessels are approaching a drawbridge.

(679) When two or more vessels are approaching the same drawbridge at the same time, or nearly the same time, whether from the same or opposite directions, each vessel shall signal independently for the opening of the draw and the drawtender shall reply in turn to the signal of each vessel. The drawtender need not reply to signals by vessels accumulated at the bridge for passage during a scheduled open period.

(680)

§117.21 Signalling for an opened drawbridge.

(681) When a vessel approaches a drawbridge with the draw in the open position, the vessel shall give the opening signal. If no acknowledgment is received within 30 seconds, the vessel may proceed, with caution, through the open draw.

(682)

§117.23 Installation of radiotelephones.

(683) (a) When the District Commander deems it necessary for reasons of safety of navigation, the District Commander may require the installation and operation of a radiotelephone on or near a drawbridge.

(684) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(685) (c) All comments the owner wishes to submit shall be submitted to the District Commander within 30 days of receipt of the notice under paragraph (b) of this section.

(686) (d) If, upon consideration of the comments received, the District Commander determines that a radiotelephone is necessary, the District Commander notifies the bridge owner that a radiotelephone shall be installed and gives a reasonable time, not to exceed six months, to install the radiotelephone and commence operation.

(687)

§117.24 Radiotelephone installation identification.

(688) (a) The Coast Guard authorizes, and the District Commander may require the installation of a sign on drawbridges, on the upstream and downstream sides, indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with §117.23.

(689) (b) The sign shall give notice of the radiotelephone and its calling and working channels–

(690) (1) In plain language; or

(691) (2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and normally not less than 27 inches and no more than 36 inches long. The preferred calling channel should be shown in the lower left quadrant and the preferred working channel should be shown in the lower right quadrant.

(692)

§117.31 Drawbridge operations for emergency vehicles and emergency vessels.

(693) (a) Upon receiving notification that an emergency vehicle is responding to an emergency situation, a drawtender must make all reasonable efforts to have the drawspan closed at the time the emergency vehicle arrives.

(694) (b) When a drawtender receives notice, or a proper signal as provided in §117.15 of this part, the drawtender shall take all reasonable measures to have the draw opened, regardless of the operating schedule of the draw, for passage of the following, provided this opening does not conflict with local emergency management procedures which have been approved by the cognizant Coast Guard Captain of the Port:

(695) (1) Federal, State, and local government vessels used for public safety;

(696) (2) vessels in distress where a delay would endanger life or property;

(697) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(698) (4) vessels seeking shelter from severe weather.

(699)

§117.33 Closure of draw for natural disasters or civil disorders.

(700) Drawbridges need not open for the passage of vessels during periods of natural disasters or civil disorders declared by the appropriate authorities unless otherwise provided for in Subpart B or directed to do so by the District Commander.

(701)

§117.35 Temporary change to a drawbridge operating schedule.

(702) (a) For any temporary change to the operating schedule of a drawbridge, lasting less than or equal to 180 days, the District Commander may issue a deviation approval letter to the bridge owner and publish a "Notice of temporary deviation from regulations" in the Federal Register.

(703) (b) If the time period for a temporary change to the operating schedule of a drawbridge will be greater then 180 days, the District Commander will follow appropriate rulemaking procedures and publish a temporary rule in the Federal Register prior to the start of the action.

(704) (c) *Request for change*. (1) To temporarily change the drawbridge-operating requirements the bridge owner must submit a written request to the District Commander for approval of the change.

(705) (2) The request must describe the reason for the deviation and the dates and times scheduled for the start and end of the change.

(706) (3) Requests should be submitted as early as possible, preferably 90 days before the start of the action. District Commanders have discretion to accept requests submitted less than 90 days before a needed change if those requests can be processed before the date of the needed change.

(707) (d) *Determination*. The District Commander's determination to allow the schedule change is normally forwarded to the bridge owner within ten working days after receipt of the request. If the request is denied, the reasons for the denial will be set out in the District Commander's decision letter.

(708) (e) The drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

(709) (f) If the authorized deviation period for an event is broken into separate time periods on the same day or on consecutive days, the drawbridge must provide openings for navigation between authorized schedule changes.

(710) (g) The District Commander will also announce the change to the operating schedule in the Local Notice to Mariners and other appropriate local media.

(711)

§117.36 Closure of drawbridge for emergency repair.

(712) (a) When a drawbridge unexpectedly becomes inoperable, or should be immediately rendered inoperable because of mechanical failure or structural defect, the drawbridge owner must notify the District Commander of the closure without delay and give the reason for the emergency closure of the drawbridge and an estimated time when the drawbridge will be returned to operating condition.

(713) (b) The District Commander will notify mariners about the drawbridge status through Broadcast Notices to Mariners, Local Notice to Mariners and any other appropriate local media.

(714) (c) Repair work under this section must be performed with all due speed in order to return the drawbridge to operation as soon as possible.

(715)

§117.39 Authorized closure of drawbridge due to infrequent requests for openings.

(716) (a) When there have been no requests for drawbridge openings for at least two years, a bridge owner may request in writing that the District Commander authorize the drawbridge to remain closed to navigation and to be untended.

(717) (b) The District Commander may:

(718) (1) Authorize the closure of the drawbridge;

(719) (2) Set out any conditions in addition to the requirement in paragraph (d): and

(720) (3) Revoke an authorization and order the drawbridge returned to operation when necessary.

(721) (c) All drawbridges authorized to remain closed to navigation, under this section, must be maintained in operable condition.

(722) (d) Authorization under this section does not:

(723) (1) Authorize physical changes to the drawbridge structure, or

(724) (2) Authorize removal of the operating machinery.

(725) (e) Drawbridges authorized under this section to remain closed to navigation and to be untended are identified in subpart B of this part.

(726)

§117.40 Advance notice for drawbridge opening.

(727) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a drawbridge to operate under an advance notice for opening. The drawbridge tender, after receiving the advance notice, must open the drawbridge at the requested time and allow for a reasonable delay in arrival of the vessel giving the advance notice.

(728) (b) If the request is approved, a description of the advanced notice for the drawbridge will be added to subpart B of this part.

(729)

§117.41 Maintaining drawbridges in the fully open position.

(730) (a) Drawbridges permanently maintained in the fully open to navigation position may discontinue drawtender service as long as the drawbridge remains fully open to navigation. The drawbridge must remain in the fully open position until drawtender service is restored.

(731) (b) If a drawbridge is normally maintained in the fully open to navigation position, but closes to navigation for the passage of pedestrian, vehicular, rail, or other traffic, the drawbridge must be tended unless:

(732) (1) Special operating requirements are established in subpart B of this part for that drawbridge; or

(733) (2) The drawbridge is remotely operated or automated.

(734)

§117.42 Remotely operated and automated drawbridges.

(735) (a) Upon written request by the owner of a drawbridge, the District Commander may authorize a drawbridge to operate under an automated system or from a remote location.

(736) (b) If the request is approved, a description of the full operation of the remotely operated or automated drawbridge will be added to subpart B of this part.

(737)

§117.47 Clearance gauges.

(738) (a) Clearance gauges are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including

the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(739) (b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gauges shall be designed, installed, and maintained according to the provisions of 33 CFR 118.160 (not carried in this Coast Pilot).

(740) **Note**: Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

(741)

§117.49 Process of violations.

(742) (a) Complaints of alleged violations under this part are submitted to the District Commander of the Coast Guard District in which the drawbridge is located.

(743) (b) Penalties for violations under this part are assessed and collected under Subpart 1.07 of Part 1 of this chapter (not published in this Coast Pilot; see 33 CFR 1.07).

(744)

Subpart B–Specific Requirements

(745)

§117.51 General.

(746) The drawbridges in this subpart are listed by the state in which they are located and by the waterway they cross. Waterways are arranged alphabetically by state. The drawbridges listed under a waterway are generally arranged in order from the mouth of the waterway moving upstream. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

(747)

§117.55 Posting of requirements.

(748) (a) The owner of each drawbridge under this subpart, other than removable span bridges, must ensure that a sign summarizing the requirements in this subpart applicable to the drawbridge is posted both upstream and downstream of the drawbridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.59 of this part.

(749) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(750) (c) If advance notice is required to open the draw, the signs shall also state the name, address, and telephone number of the person to be notified.

(751)

§117.57 Advance notice.

(752) Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

(753)

§117.59 Special requirements due to hazards.

(754) For the duration of occurrences hazardous to safety or navigation, such as floods, freshets, and damage to the bridge or fender system, the District Commander may require the owner of an operational drawbridge listed in this subpart to have the bridge attended full time and open on signal.

(755)

MAINE

(756)

§117.521 Back Cove.

(757) The draw of the Canadian National railroad bridge, mile 0.2 at Portland, need not be opened for the passage of vessels. The draw shall be returned to operable condition within six months after notification from the District Commander to do so.

(758)

§117.523 Back River.

(759) The draw of the Maine Department of Transportation highway bridge, mile 4.6 between Hodgdon and Barters Island at Boothbay, shall open on signal from June 1 through October 31; except that, from 5 p.m. to 8 a.m., the draw shall be opened on signal if notice was given to the drawtender from 8 a.m. to 5 p.m. From November 1 through May 31 the draw shall open on signal if at least 24 hours notice is given to the drawtender or to the Maine Department of Transportation at Augusta.

(760)

§117.525 Kennebec River.

(761) The draw of the Carlton Bridge, mile 14.0, between Bath and Woolwich shall operate as follows:

(762) (a) From May 15 through September 30 the draw shall open on signal; except that, from 5 p.m. to 8 a.m., the draw shall open on signal if a two-hour notice is given by calling the number posted at the bridge.

(763) (b) From October 1 through May14 the draw shall open on signal; except that, from 5 p.m. to 8 a.m., the draw shall open on signal after a twenty-four hours notice is given from 8 a.m. to 5 p.m., on Saturday and Sunday, after an eight-hour notice is given by calling the number posted at the bridge.

(764) <764-774 Deleted>

(775)

§117.527 Kennebunk River.

(776) The Dock Square drawbridge at mile 1.0, across the Kennebunk River, between Kennebunk and Kennebunkport, Maine, need not open for vessel traffic. The owners of the bridge shall provide and keep in good legible condition, two board gages in accordance with 33 CFR 118.160, of this chapter.

(777)

§117.529 Narraguagus River.

(778) The draw of the highway bridge, mile 1.8 at Milbridge, shall open on signal if at least 24 hours notice is given to the Maine State Highway Commission, Division Office at Ellsworth.

(779)

§117.531 Piscataqua River.

(780) (a) The following requirements apply to all bridges across the Piscataqua River.

(781) (1) Public vessels of the United States, commercial vessels over 100 gross tons, inbound ferry service vessels and inbound commercial fishing vessels must be passed through the drawspan of each drawbridge as soon as possible. The opening signal from these vessels is four or more short blasts of a whistle, horn or a radio request.

(782) (2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 18 inches high designed, installed and maintained according to the provisions of §118.160 (not carried in this Coast Pilot).

(783) (3) Trains and locomotives shall be controlled so that any delay in opening the draw shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(784) (4) Except as provided in paragraphs (b) through (c) of this section the draws shall open on signal.

(785) (b) The draw of the Memorial (US 1) bridge, mile 1.9, shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only on the hour and half hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(786) (c) The draw of the Sarah M. Long (Route 1 Bypass) bridge, mile 2.5, shall open as follows:

(787) (1) The main ship channel draw shall open on signal; except that from 15 May through 31 October, from 7 a.m. to 7 p.m., the draw need be opened only at quarter of and quarter after the hour for recreational vessels and commercial vessels less than 100 gross tons except as provided in (a)(1).

(788) (2) The secondary recreation draw shall be left in the fully open position from 15 May through 31 October except for the crossing of a train in accordance with (a)(3) above.

(789)

§117.533 Sheepscot River.

(790) The draw of the Maine Central Railroad Bridge, mile 15.0, between Wiscasset and North Edgecombe, Maine, need not be opened for the passage of vessels. The draw of the Maine Central Railroad Bridge shall be returned to operable condition within six months after notification by the District Commander to do so.

(791)

§117.537 Townsend Gut

(792) The draw of the Southport (SR27) Bridge, at mile 0.7, across Townsend Gut between Boothbay Harbor and Southport, Maine shall open on signal; except that, from April 29 through September 30, between 6 a.m. and 6 p.m, the draw shall open on signal on the hour and half hour only, after an opening request is given.

(793)

MASSACHUSETTS

(794)

§117.586 Annisquam River and Blynman Canal.

(795) The draw of the Blynman (SR127) Bridge shall open on signal, except that, from noon to 6 p.m. on Thanksgiving Day, 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

(796)

§117.588 Base River.

(797) The Hall Whitaker Bridge, mile 0.6 at Beverly, shall operate as follows:

(798) (a) Public vessels of the United States must be passed as soon as possible.

(799) (b) The owners of this bridge shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(800) (c) That the drawspan for the Hall Whitaker Drawbridge must open on signal if at least 24 hours notice is given.

(801)

§117.591 Charles River and its tributaries.

(802) (a) The following requirements apply to all bridges across the Charles River and its tributaries:

(803) (1) Public vessels of the United States, state or local vessels used for public safety; and vessels in distress shall be passed through the draw of each bridge as soon as possible without delay at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn, or a radio request.

(804) (2) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(805) (3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(806) (4) Except as provided in paragraph (b) through (f) of this section, the draws shall open on signal.

(807) (b) The draw of the Charlestown Bridge, mile 0.4 at Boston, need not be opened for the passage of vessels.

(808) (c) The draw of the Massachusetts Bay Transportation Authority (MBTA/Amtrak Bridge, mile 0.8, at Boston, shall open on signal; except that from 6:15 a.m. to 9:10 a.m. and 4:15 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need not be opened for the passage of vessels, except as stated in paragraph (a)(1) of this section.

(809) (d) The draw of the Massachusetts Bay Transportation Authority (East Cambridge Viaduct) Railroad Bridge, mile 1.0 at Boston, need not be opened for the passage of vessels. However, the operating machinery of the draw shall be maintained in an operable condition.

(810) (e) The draw of the Massachusetts Department of Transportation (Craigie) Bridge, mile 1.0 at Boston, shall operate as follows:

(811) (1) Open on signal; except that from 6:15 a.m. to 9:10 a.m. and 3:15 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels, except as stated in paragraph (a)(1) of this section.

(812) (2) From December 1 to March 31, the draw shall open on signal after a 24 hour advance notice is given.

(813) (3) From midnight to 8 a.m., April, May, October, and November, the draw shall open on signal after at least an eight-hour advance notice is given.

(814) (f) The draws of the bridges across Broad Canal, mile 0.0, need not open for the passage of vessels. However, the draws shall be returned to operable condition within one year after notification by the District Commander to do so.

(815)

§117.593 Chelsea River.

(816) All drawbridges across the Chelsea River shall open on signal. The opening signal for each drawbridge is two prolonged blasts followed by two short blasts and one prolonged blast. The acknowledging signal is three prolonged blasts when the draw can be opened immediately and is two prolonged blasts when the draw cannot be opened or is open and must be closed.

(817)

§117.595 Danvers River.

(818) (a) The requirements in this paragraph apply to all bridges across the Danvers River:

(819) (1) The owners of these bridges shall provide and keep in good legible condition clearance gauges for each draw with figures not less than 12 inches high, designed, installed, and maintained according to the provisions of §118.160 of this chapter.

(820) (2) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed ten minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, that train may continue across the bridge and must clear the bridge interlocks before stopping.

(821) (b) The draw of the Massachusetts Bay Transportation Authority (MBTA)/AMTRAK Bridge, at mile 0.05, between Salem and Beverly, shall open on signal; except that, from midnight to 5 a.m., daily, and on December 25 and January 1, the draw shall open as soon as possible, but not more than one hour after notice is given to the drawtenders either at the bridge during the time the drawtenders are on duty or by calling the number posted at the bridge.

(822) (c) The Kernwood Bridge, at mile 1.0, shall operate as follows:

(823) (1) From May 1 through September 30, midnight to 5 a.m., and from October 1 through April 30, 7 p.m. to 5 a.m., draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(824) (2) From noon to 6 p.m. on Thanksgiving Day and all day on Christmas and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(825)

§117.597 Dorchester Bay.

(826) The draw of the William T. Morrisey Boulevard Bridge, mile 0.0, at Boston, shall operate as follows:

(827) (a) From 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessel traffic.

(828) (b) The draw shall open on signal from April 16 through May 31, from 8 a.m. through midnight, except as provided in paragraph (a) of this section. From midnight through 8 a.m. at least an eight-hour advance notice is required for bridge openings.

(829) (c) The draw shall open on signal at all times from June 1 through September 30, except as provided in paragraph (a) of this section.

(830) (d) The draw shall open on signal from October 1 through October 14, 8 a.m. through midnight, except as provided in paragraph (a) of this section. From midnight through 8 a.m. at least an eight-hour advance notice is required for bridge openings.

(831) (e) The draw shall open on signal from October 15 through April 15, after at least a 24 hours notice is given, except as provided in paragraph (a) of this section.

(832)

§117.599 Fort Point Channel.

(833) The draw of the Northern Avenue Bridge, mile 0.1, at Boston, shall operate as follows:

(834) (a) From May 1 through October 31, the draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

(835) (b) From November 1 through April 30, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m. the draw shall open on signal if at least a twenty-four hours advance notice is given by calling the number posted at the bridge.

(836)

§117.601 Malden River.

(837) The draw of S16 bridge, mile 0.3 between Medford and Everett, need not be opened for the passage of vessels.

(838)

§117.603 Manchester Harbor.

(839) The Massachusetts Bay Transportation Authority Bridge at mile 1.0 in Manchester, shall operate as follows:

(840) (a) The draw shall open on signal–

(841) (1) From Memorial Day through September 30 from 7 a.m. to 11 p.m.;

(842) (2) From April 1 to Memorial Day and from October 1 to November 1 from 9 a.m. to 1 p.m. and 2 p.m. to 6 p.m.

(843) (b) At all other times, the draw shall open on signal with at least four hours notice.

(844) (c) The owner of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained in accordance with the provisions of section 118.160 of this chapter.

(845)

§117.605 Merrimack River.

(846) (a) The draw of the Newburyport US1 Bridge, mile 3.4, shall operate as follows:

(847) (1) From May 1 through November 15, from 6 a.m. to 10 p.m., the draw shall open on signal; except that, from Memorial Day through Labor Day, from 6 a.m. to 10 p.m., the draw shall open on signal only on the hour and half hour.

(848) (2) At all other times the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(849) (b) The draw of the Massachusetts Bay Transportation Authority (MBTA) railroad bridge, mile 3.4 at Newburyport, is normally maintained in the fully open position. When the draw is in the closed position, a drawtender shall be on duty and the draw shall open on signal.

(850) (c) The drawspans for the Massachusetts Department of Transportation drawbridges, mile 5.8 at Newburyport and mile 12.6 at Rock Village, and Groveland Drawbridge, mile 16.5 at Groveland, must open on signal if at least two hours notice is given. Public vessels of the United States must be passed through the drawspans as soon as possible.

(851)

§117.609 Mystic River.

(852) (a) The draw of the S99 Alford Street Bridge, mile 1.4, shall open on signal; except that, Monday through Saturday, excluding holidays, the draw need not open for the passage of vessel traffic from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., daily. From November 1 through March 31, between 3 p.m. and 7 a.m., at least an eight-hour advance notice is required for bridge openings by calling the number posted at the bridge.

(853) (b) The draw of the Wellington Bridge, mile 2.5, need not open for the passage of vessel traffic.

(854)

§117.611 Neponset River.

(855) The Granite Avenue Bridge, mile 2.5, between Boston and Milton, Massachusetts, shall operate as follows:

(856) (a) The draw of the Granite Avenue Bridge shall open on signal from May 1 through October 31; 6 a.m. to 12 midnight. At all other times the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge.

(857) (b) The owners of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high designed, installed and maintained according to the provisions of §118.160 of this chapter.

(858)

§117.613 North River.

(859) The draw of the Plymouth County (Bridge Street) Bridge, mile 4.0, at Norwell, shall open on signal from May 1 through October 31 if at least four hours notice is given. From November 1 through April 30, the draw shall open on signal if at least 24 hours notice is given.

(860)

§117.615 Plum Island River.

(861) The draw of the Plum Island Turnpike Bridge, mile 3.3, between Newburyport and Plum Island, shall operate as follows:

(862) (a) From April 1 through November 30, 5 a.m. to 9 p.m., the draw shall open on signal if at least one hour advance notice is given by calling the number posted at the bridge. At all other times the draw shall open on signal if at least three hours advance notice is given.

(863) (b) The owners of this bridge shall provide and keep in good legible condition, clearance gauges for each draw with figures not less than twelve (12) inches high, designed, installed and maintained according to the provisions of §118.160 of this chapter

(864)

§117.618 Saugus River

(865) (a) The following requirements apply to all bridges across the Saugus River:

(866) (1) Public vessels of the United States, state or local vessels used for public safety, and vessels in distress shall be passed through the draw of each bridge as soon as possible at any time. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(867) (2) The owners of these bridges shall provide and keep in good legible condition clearance gauges with figures not less than 12 inches high designed, installed and maintained according to provisions of §118.160 of this chapter.

(868) (3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed seven minutes. However, if a train moving toward the

bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(869) (b) The draw of the General Edwards SR1A Bridge, mile 1.7, between Revere and Lynn, shall open on signal at all times if at least a two-hour advance notice is given by calling the number posted at the bridge.

(870) (c) The Fox Hill (SR107) Bridge, at mile 2.5, shall operate as follows:

(871) (1) The draw shall open on signal, except that, from October 1 through May 31, from 7 p.m. to 5 a.m., the draw shall open after at least a one-hour advance notice is given by calling the number posted at the bridge.

(872) (2) From noon to 6 p.m. on Thanksgiving Day, and all day on Christmas, and New Years Day, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(873)

§117.621 Fore River.

(874) The draw of the Quincy Weymouth SR3A bridge, mile 3.5 between Quincy Point and North Weymouth, Massachusetts, shall open on signal, except that:

(875) (a) From 6:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays observed in the locality, the draw need not be opened.

(876) (b) The draw shall open on signal at all times for self-propelled vessels greater than 10,000 gross tons.

(877) (c) From noon to 6 p.m. on Thanksgiving Day, from 6 p.m. on December 24 to midnight on December 25, and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal after at least a two-hour advance notice is given by calling the number posted at the bridge.

(878)

NEW HAMPSHIRE

(879)

§117.697 Hampton River.

(880) The SR1A bridge, mile 0.0 at Hampton, operates as follows:

(881) (a) The draw shall open on signal from April 1 through October 31 for the passage of vessels during daylight hours from three hours before to three hours after each high tide. Daylight hours means one-half hour before sunrise to one-half hour after sunset. High tide occurs one-half hour later than the time of high tide for Portland, Maine, as published in the tide tables published by private entities using data provided by the National Ocean Service. At all other times, the draw shall open on signal if at least three hours notice is given.

(882) (b) The owners of the bridge shall provide and keep in good legible condition two board gages painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gages shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(883) (c) Vessels which can pass under the closed draw with a clearance of one foot or more shall not signal for the opening of the draw. In case a vessel gives the prescribed signal and the drawtender is uncertain as to whether the vessel can safely pass, the drawtender shall open the draw. If the drawtender finds that there would have been a clearance of one foot or more had the draw remained closed, the matter shall be reported immediately to the District Commander, giving the name of the vessel, the time of opening the draw, the clearance under the bridge as indicated by the gage at the time of opening the draw, and the approximate vertical clearance required by the vessel.

(884)

§117.699 Little Harbor.

(885) The draw of the SR1B bridge, mile 1.0 between New Castle and Rye, shall open on signal from April 1 through October 31 from 6 a.m. to 10 p.m. if at least four hours notice is given. At all other times, the draw shall open as soon as possible only for emergencies.

(886)

§117.700 Piscataqua River.

(887) See §117.531, Piscataqua River, listed under Maine.

(888)

Note

(889) Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

(890)

Part 150—Deepwater Ports: Operations

(891)

Subpart D—Vessel Navigation

(892)

§150.300 What does this subpart do?

(893) This subpart supplements the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) described in subchapter D of this chapter, and prescribes requirements that:

(894) (a) Apply to the navigation of all vessels at or near a deepwater port; and

(895) (b) Apply to all vessels while in a safety zone, area to be avoided, or no anchoring area.

(896)

§150.305 How does this subpart apply to unmanned deepwater ports?

(897) The master of any tanker calling at an unmanned deepwater port is responsible for the safe navigation of the vessel to and from the deepwater port, and for the required notifications in §150.325 of this part. Once the tanker is connected to the unmanned deepwater port, the master must maintain radar surveillance in compliance with the requirements of §150.310 of this part.

(898)

§150.310 When is radar surveillance required?

(899) A manned deepwater port's person in charge of vessel operations must maintain radar surveillance of the safety zone or area to be avoided when:

(900) (a) A tanker is proceeding to the safety zone after submitting the report required in §150.325 in this part;

(901) (b) A tanker or support vessel is underway in the safety zone or area to be avoided;

(902) (c) A vessel other than a tanker or support vessel is about to enter or is underway in the safety zone or area to be avoided; or

(903) (d) As described in the deepwater port security plan.

(904)

§150.320 What advisories are given to tankers?

(905) A manned deepwater port's person in charge of vessel operations must advise the master of each tanker underway in the safety zone or area to be avoided of the following:

(906) (a) At intervals not exceeding 10 minutes, the vessel's position by range and bearing from the pumping platform complex; and

(907) (b) The position and the estimated course and speed, if moving, of all other vessels that may interfere with the movement of the tanker within the safety zone or area to be avoided.

(908)

§150.325 What is the first notice required before a tanker enters the safety zone or area to be avoided?

(909) (a) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must comply with the notice of arrival requirements in subpart C of part 160 of this chapter.

(910) (b) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must report the pertinent information required in §150.15(i)(4)(vi) of this part for the vessel, including:

(911) (1) The name, gross tonnage, and draft of the tanker;

(912) (2) The type and amount of cargo in the tanker;

(913) (3) The location of the tanker at the time of the report;

(914) (4) Any conditions on the tanker that may impair its navigation, such as fire, or malfunctioning propulsion, steering, navigational, or radiotelephone equipment. The testing requirements in §164.25 of this chapter are applicable to vessels arriving at a deepwater port;

(915) (5) Any leaks, structural damage, or machinery malfunctions that may impair cargo transfer operations or cause a product discharge; and

(916) (6) The operational condition of the equipment listed under §164.35 of this chapter on the tanker.

(917) (c) If the estimated time of arrival changes by more than 6 hours from the last reported time, the National Vessel Movement Center (NVMC) and the port's person in charge of vessel operations must be notified of the correction as soon as the change is known.

(918) (d) If the information reported in paragraphs (b)(4) or (b)(5) of this section changes at any time before the tanker enters the safety zone or area to be avoided at the deepwater port, or while the tanker is in the safety zone or area to be avoided, the master of the tanker must report the changes to the NVMC and port's person in charge of vessel operations as soon as possible.

(919)

§150.330 What is the second notice required before a tanker enters the safety zone or area to be avoided?

(920) When a tanker bound for a manned deepwater port is 20 miles from entering the port's safety zone or area to be avoided, the master of the tanker must notify the port's person in charge of vessel operations of the tanker's name and location.

(921)

§150.340 What are the rules of navigation for tankers in the safety zone or area to be avoided?

(922) (a) A tanker must enter or depart the port's safety zone or area to be avoided in accordance with the navigation procedures in the port's approved operations manual as described in §150.15(i) of this part.

(923) (b) A tanker must not anchor in the safety zone or area to be avoided, except in a designated anchorage area.

(924) (c) A tanker may not enter a safety zone or area to be avoided in which another tanker is present, unless it has been cleared by the person in charge of the port and no other tankers are underway.

(925) (d) A tanker must not operate, anchor, or moor in any area of the safety zone or area to be avoided in which the net under keel clearance would be less than 5 feet.

(926)

§150.345 How are support vessels cleared to move within the safety zone or area to be avoided?

(927) All movements of support vessels within a manned deepwater port's safety zone or area to be avoided must be cleared in advance by the port's person in charge of vessel operations.

(928)

§150.350 What are the rules of navigation for support vessels in the safety zone or area to be avoided?

(929) A support vessel must not anchor in the safety zone or area to be avoided, except:

(930) (a) In an anchorage area; or

(931) (b) For vessel maintenance, which, in the case of a manned deepwater port, must be cleared by the port's person in charge of vessel operations.

(932)

§150.355 How are other vessels cleared to move within the safety zone?

(933) (a) Clearance by a manned deepwater port's person in charge of vessel operations is required before a vessel, other than a tanker or support vessel, enters the safety zone.

(934) (b) The port's person in charge of vessel operations may clear a vessel under paragraph (a) of this section only if its entry into the safety zone would not:

(935) (1) Interfere with the purpose of the deepwater port;

(936) (2) Endanger the safety of life, property, or environment; or

(937) (3) Be prohibited by regulation.

(938) (c) At an unmanned deepwater port, such as a submerged turret landing (STL) system, paragraphs (a) and (b) of this section apply once a tanker connects to the STL buoy.

(939)

§ 150.380 Under what circumstances may vessels operate within the safety zone or area to be avoided?

(940) (a) Table 150.380(a) of this section lists both the areas within a safety zone where a vessel may operate and the clearance needed for that location.

(941)

Table 150.380(a)—Regulated Activities of Vessels at Deepwater Ports

Regulated activities	Safety zone	Areas to be avoided around each deepwater port component[1]	Anchorage areas	Other areas within and adjacent to the safety zone (e.g., no anchoring area)
Tankers calling at port	C	C	C	C
Support vessel movements	C	C	C	C
Transit by vessels other than tankers or support vessels	F	D	P	P
Mooring to surface components (for example an SPM) by vessels other than tankers or support vessels	N	N	N	N
Anchoring by vessels other than tankers or support vessels	N	F	C	F
Fishing, including bottom trawl (shrimping)	N	D	P	N
Mobile drilling operations or erection of structures[2]	N	R	N	N
Lightering/trans-shipment	N	N	N	N

[1]Areas to be avoided are in subpart J of this part.
[2]Not part of Port Installation.

Key to regulated activities for Table 150.380(a):
C–Movement of the vessel is permitted when cleared by the person in charge of vessel operations.
D–Movement is not restricted, but recommended transit speed not to exceed 10 knots. Communication with the person in charge of vessel operations.
F–Only in an emergency. Anchoring will be avoided in a no anchoring area except in the case of immediate danger to the ship or persons on board.
N–Not permitted.
P–Transit is permitted when the vessel is not in the immediate area of a tanker, and when cleared by the vessel traffic supervisor.
R–Permitted only if determined that operation does not create unacceptable risk to personnel safety and security and operation. For transiting foreign-flag vessels, the requirement for clearance to enter the area to be avoided and no anchoring area is advisory in nature, but mandatory for an anchorage area established within 12 nautical miles.

(942) (b) If the activity is not listed in table 150.380(a) of this section, or otherwise provided for in this subpart, the Sector Commander's, or MSU Commander's, with COTP and OCMI authority permission is required before operating in the safety zone or regulated navigation area.

(943)

§150.385 What is required in an emergency?

(944) In an emergency, for the protection of life or property, a vessel may deviate from a vessel movement requirement in this subpart without clearance from a manned deepwater port's person in charge of vessel operations if the master advises the port person in charge of the reasons for the deviation at the earliest possible moment.

(945)

Subpart J—Safety Zones, No Anchoring Areas, and Areas to be Avoided

(946)

§150.900 What does this subpart do?

(947) (a) This subpart provides requirements for the establishment, restrictions, and location of safety zones, no anchoring areas (NAAs), and areas to be avoided (ATBAs) around deepwater ports.

(948) (b) Subpart D of this part, concerning vessel navigation and activities permitted and prohibited at deepwater ports, applies to safety zones, NAAs, ATBAs, and their adjacent waters; and supplements the International Regulations for Preventing Collisions at Sea.

(949) (c) Recommended shipping safety fairways associated with deepwater ports are described in part 166 of this chapter.

(950)

§150.905 Why are safety zones, no anchoring areas, and areas to be avoided established?

(951) (a) Safety zones, no anchoring areas (NAAs) and areas to be avoided (ATBAs) under this subchapter are established to promote safety of life and property, marine environmental protection, and navigational safety at deepwater ports and adjacent waters.

(952) (b) Safety zones are the only federally regulated navigation areas. They accomplish these objectives by preventing or controlling specific activities, limiting access by vessels or persons, and by protecting the living resources of the sea from harmful agents.

(953) (c) The NAAs and ATBAs are established via the International Maritime Organization (IMO). An NAA, specifically established to protect vessels in transit and sub-surface deepwater port components, will be mandatory. An ATBA will be a recommendatory routing measure.

(954) (d) The sizes of restricted areas will be the minimum size needed to ensure safety, while at the same time considering potential impacts on other activities, including recreational boating, fishing, and Outer Continental Shelf activity.

(955)

§150.910 What installations, structures, or activities are prohibited in a safety zone?

(956) No installations, structures, or activities that are incompatible with or that present an unacceptable risk to safety of the deepwater port's operations or activity are allowed in the safety zone of a deepwater port.

(957)

§150.915 How are safety zones, no anchoring areas, and areas to be avoided established and modified?

(958) (a) Safety zones are developed and designated during the application process for a deepwater port license, and may be established or modified through rulemaking. Rulemakings will afford prior public notice and comment, except when there is good cause not to do so, for example due to an imminent threat to the safety of life and property.

(959) (b) Before a safety zone, no anchoring area (NAA), or area to be avoided (ATBA) is established, all factors detrimental to safety are considered, including but not limited to:

(960) (1) The scope and degree of the risk or hazard involved;

(961) (2) Vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

(962) (3) Port and waterway configurations and variations in local conditions of geography, climate and other similar factors;

(963) (4) The need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

(964) (5) The proximity of fishing grounds, oil and gas drilling and production operations, or other potential or actual conflicting activity;

(965) (6) Environmental factors;

(966) (7) Economic impact and effects;

(967) (8) Existing vessel traffic services; and

(968) (9) Local practices and customs, including voluntary arrangements and agreements within the maritime community.

(969) (c) The Executive Branch, acting through the Secretary of State and Commandant (CG–5P) proposes NAAs and ATBAs for deepwater ports to the International Maritime Organization (IMO) for approval. The ATBAs will be implemented after IMO approval is granted and announced in an IMO Circular, and after publication of a notice in the Federal Register.

(970)

§150.920 How can I find notice of new or proposed safety zones?

(971) In addition to documents published in the Federal Register under §150.915 of this part, the District Commander may provide public notice of new or proposed safety zones by Broadcast Notices to Mariners, Notices to Mariners, Local Notices to Mariners, newspapers, broadcast stations, or other means.

(972)

§150.925 How long may a safety zone, no anchoring area, or area to be avoided remain in place?

(973) A safety zone, no anchoring area, or area to be avoided may go into effect as early as initial delivery of construction equipment and materials to the deepwater port site, and may remain in place until the deepwater port is removed.

(974)

§150.930 What datum is used for the geographic coordinates in this subpart?

(975) The geographic coordinates used in this subpart have been revised to enable plotting using the North American Datum of 1983 (NAD 83) and no longer require the use of any further conversion factors for correction.

(976)

§150.940 Safety zones for specific deepwater ports (in part).

(977) (b) *Northeast Gateway Deepwater Port (NEGDWP)*—(1) *Location.* The safety zones for the NEGDWP consist of circular zones, each with a 500-meter radius and centered on each of the deepwater port's two submerged turret loading (STL) buoys. STL Buoy "A" is centered at the following coordinates: 42°23'38" N, 070°35'31" W. STL Buoy "B" is centered at the following coordinates: 42°23'56" N, 070°37'00" W. Each safety zone is located approximately 13 miles south-southeast of the City of Gloucester, Massachusetts, in Federal waters.

(978) (2) *No anchoring areas.* Two mandatory no anchoring areas for NEGDWP are established for all waters within circles of 1,000-meter radii centered on the submerged turret loading buoy positions set forth in paragraph (b)(1) of this section.

(979) (3) *Area to be avoided.* An area to be avoided (ATBA) for NEGDWP is as described in Table 150.940(B):

(980)

Table 150.940(B)—ATBA for NEGDWP

Plotting guidance	Latitude (N)	Longitude (W)
(i) Starting at	42°24'17"	70°35'16"
(ii) A rhumb line to	42°24'35"	70°36'46"
(iii) Then an arc with a 1250 meter radius	42°23'56"	70°37'00"
(iv) To a point	42°23'17"	70°37'15"
(v) Then a rhumb	42°22'59"	70°35'45"
(vi) Then an arc with a 1250 meter radius	42°23'38"	70°35'31"
(vii) To the point of	42°24'17"	70°35'16"

(981) (4) *Regulations*. (i) In accordance with the general regulations set forth in 33 CFR 165.23 and elsewhere in this part, no person or vessel may enter the waters within the boundaries of the safety zones described in paragraph

(b)(1) of this section unless previously authorized by the Captain of the Port (COTP) Boston, or his/her authorized representative.

(982) (ii) Notwithstanding paragraph (b)(4)(i) of this section, tankers and support vessels, as defined in 33 CFR 148.5, operating in the vicinity of NEGDWP are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(983) (iii) All other vessel operators desiring to enter, operate or conduct diving operations within a safety zone described in paragraph (b)(1) of this section must contact the COTP, or the COTP's authorized representative, to obtain permission by contacting the Sector Boston Command Center at 617–223–5761 or via VHF–FM Channel 16 (156.8 MHZ). Vessel operators given permission to enter, operate, or conduct diving operations in a safety zone must comply with all directions given to them by the COTP or the COTP's authorized representative.

(984) (iv) No vessel, other than a support vessel or tanker calling on NEGDWP may anchor in the area described in paragraph (b)(2) of this section.

(985) (c) *Neptune Deepwater Port (Neptune)*—(1) *Location*. The safety zones for Neptune consist of circular zones, each with a 500-meter radius and centered on each of Neptune's two submerged turret loading (STL) buoys. STL Buoy "A" is centered at the following coordinates: Latitude 42°29'12.3" N, Longitude 070°36'29.7" W; and STL Buoy "B": Latitude 42°27'20.5" N, Longitude 070°36'07.3" W. Each safety zone encompasses, within the respective 500-meter circles, the primary components of Neptune, including a submerged turret loading buoy and a pipeline end manifold. Each safety zone is located approximately eight nautical miles south-southeast of Gloucester, Massachusetts, in Federal waters.

(986) (2) *No anchoring areas*. Two mandatory no anchoring areas for Neptune are established for all waters within circles of 1,000-meter radii centered on the submerged turret loading buoy positions set forth in paragraph (c)(1) of this section.

(987) (3) *Area to be avoided*. An area to be avoided (ATBA) for Neptune is as described in Table 150.940(C):

(988)

Table 150.940(C)—ATBA for NEGDWP

Plotting guidance	Latitude (N)	Longitude (W)
(i) Starting at	42°27'26.6"	70°35'13.1"
(ii) A rhumb line to	42°29'18.3"	70°35'35.4"
(iii) Then an arc with a 1250 meter radius centered at point	42°29'12.3"	70°36'29.7"
(iv) To a point	42°29'06.3"	70°37'24.0"
(v) Then a rhumb line to	42°27'14.7"	70°37'01.6"
(vi) Then an arc with a 1250 meter radius centered at point	42°27'20.5"	70°36'07.3"
(vii) To the point of starting	42°27'26.6"	70°35'13.1"

(989) (4) *Regulations*. (i) In accordance with the general regulations set forth in 33 CFR 165.23 and elsewhere in this part, no person or vessel may enter the waters within the boundaries of the safety zones described in paragraph (c)(1) of this section unless previously authorized by the Captain of the Port (COTP) Boston, or the COTP's authorized representative.

(990) (ii) Notwithstanding paragraph (c)(4)(i) of this section, liquefied natural gas carriers (LNGCs) and support vessels, as defined in 33 CFR 148.5, calling on Neptune, are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(991) (iii) All other vessel operators desiring to enter, operate or conduct diving operations within a safety zone described in paragraph (c)(1) of this section must contact the COTP or the COTP's authorized representative to obtain permission by contacting the Sector Boston Command Center at 617–223–5761 or via VHF–FM Channel 16 (156.8 MHZ). Vessel operators given permission to enter or operate in a safety zone must comply with all directions given to them by the COTP or the COTP's authorized representative.

(992) (iv) No vessel, other than an LNGC or support vessel calling on Neptune, may anchor in the area described in paragraph (c)(2) of this section.

(993)

Part 157–Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk.

(994)

Subpart A–General

(995)

§157.01 Applicability.

(996) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(997) (1) Documented under the laws of the United States (a U.S. vessel); or

(998) (2) Any other vessel that enters or operates in the navigable waters of the United States, or that operates, conducts lightering under 46 U.S.C. 3715, or receives cargo from or transfers cargo to a deepwater port under 33 U.S.C. 1501 et seq., in the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8).

(999) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

(1000)

§157.02 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(1001) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *archives.gov/federal-register/cfr/ibr-locations.html*. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509; telephone 202–372–1375. The material is also available from the sources indicated in this section.

(1002) (b) *International Maritime Organization (IMO)*—4 Albert Embankment, London SE1 7SR, United Kingdom.

(1003) (1) IMCO Assembly Resolution A.393(X), adopted on 14 November 1977, Recommendation on International Performance and Test Specifications For Oily Water Separating Equipment and Oil Content Meters—157.12

(1004) (2) IMO Assembly Resolution A.496(XII), Adopted on 19 November 1981, Agenda Item 11, Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers—157.12

(1005) (3) IMO Assembly Resolution A.586(14), Adopted on 20 November 1985, Agenda item 12, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers—157.12

(1006) (4) IMO Marine Environment Protection Committee Resolution MEPC.13 (19), adopted on 9 December 1983, Guidelines for Plan Approval and Installation Survey of Oil Discharge Monitoring and Control Systems for Oil Tankers and Environmental Testing of Control Sections Thereof—157.12

(1007) (5) IMO Marine Environment Protection Committee Resolution MEPC.108(49), Adopted on 18 July 2003, Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers—157.12

(1008) (6) IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvring Information on Board Ships, Annex sections 1.1, 2.3, 3.1, and 3.2 with appendices adopted on 19 November 1987—157.450

(1009) (7) IMO Assembly Resolution A.744(18), Guidelines on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, Annex B sections 1.1.3-1.1.4, 1.2-1.3, 2.1, 2.3-2.6, 3-8 and Annexes 1-10 with appendices, adopted 4 November 1993—157.430

(1010) (8) IMO Assembly Resolution A.751(18), Interim Standards for Ship Manoeuvrability, Annex sections 1.2, 2.3-2.4, 3-4.2, and 5, adopted 4 November 1993 with Explanatory Notes in MSC/Circ. 644 dated 6 June 1994—157.445

(1011) (9) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 22, "Pump-room bottom protection," (Annex I, Regulation 22) incorporation by reference approved for §157.14.

(1012) (10) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 23, "Accidental oil outflow performance," (Annex I, Regulation 23) incorporation by reference approved for §157.20.

(1013) (c) *Oil Companies International Marine Forum (OCIMF)*–27 Queen Anne's Gate, London, SW1H 9BU, England.

(1014) (1) International Safety Guide for Oil Tankers and Terminals, Fourth Edition, Chapters 6, 7 and 10, 1996—157.435

(1015) (2) [Reserved]

(1016)

§157.03 Definitions.

(1017) Except as otherwise stated in a subpart:

(1018) *Amidships* means the middle of the length.

(1019) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(1020) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(1021) *Breadth or B* means the maximum molded breadth of a vessel in meters.

(1022) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(1023) *Center tank* means any tank inboard of a longitudinal bulkhead.

(1024) *Clean ballast* means ballast which:

(1025) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not–

(1026) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(1027) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(1028) (2) If verified by an approved oil discharge monitoring and control system, has an oil content that does not exceed 15 p.m.

(1029) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(1030) *Crude oil* means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(1031) *Deadweight or DWT* means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(1032) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(1033) *Domestic trade* means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

(1034) *Double bottom* means watertight protective spaces that do not carry any oil and which separate the bottom of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(1035) *Double hull* means watertight protective spaces that do not carry any oil and which separate the sides, bottom, forward end, and aft end of tanks that hold any oil within the cargo tank length from the outer skin of the vessel as prescribed in §157.10d.

(1036) *Doubles sides* means watertight protective spaces that do not carry any oil and which separate the sides of tanks that hold any oil within the cargo tank length from the outer skin of the vessel.

(1037) *Existing vessel* means any vessel that is not a new vessel.

(1038) *Fleeting or assist towing vessel* means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

(1039) *Foreign trade* means any trade that is not domestic trade.

(1040) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(1041) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(1042) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(1043) *Instantaneous rate of discharge of oil content* means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(1044) *Integrated tug barge* means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

(1045) Large primary structural member includes any of the following:

(1046) (1) Web frames.

(1047) (2) Girders.

(1048) (3) Webs.

(1049) (4) Main brackets.

(1050) (5) Transverses.

(1051) (6) Stringers.

(1052) (7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

(1053) *Length or L* means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

(1054) *Lightweight* means the displacement of a vessel in metric tons without cargo, fuel oil, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(1055) *Major conversion* means a conversion of an existing vessel that:

(1056) (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;

(1057) (2) Changes the type of vessel;

(1058) (3) Substantially prolongs the vessel's service life; or

(1059) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (CG–CVC).

(1060) *MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, 7SR, England.

(1061) *New vessel* means:

(1062) (1) A U.S. vessel in domestic trade that:

(1063) (i) Is constructed under a contract awarded after December 31, 1974;

(1064) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(1065) (iii) Is delivered after December 31, 1977; or

(1066) (iv) Has undergone a major conversion for which:

(1067) (A) The contract is awarded after December 31, 1974;

(1068) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(1069) (C) Conversion is completed after December 31, 1977; and

(1070) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(1071) (i) Is constructed under a contract awarded after December 31, 1975;

(1072) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(1073) (iii) Is delivered after December 31, 1979; or

(1074) (iv) Has undergone a major conversion for which:

(1075) (A) The contract is awarded after December 31, 1975;

(1076) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(1077) (C) Conversion is completed after December 31, 1979.

(1078) *Non-petroleum oil* means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

(1079) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(1080) *Officer in charge of a navigational watch* means any officer employed or engaged to be responsible for navigating or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

(1081) *Oil* means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.

(1082) *Oil cargo residue* means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term "oil cargo residue" is also known as "cargo oil residue."

(1083) *Oily mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(1084) (1) Slops from bilges;

(1085) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(1086) (3) Oil residue; and

(1087) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(1088) *Oil residue* means–

(1089) (1) Oil cargo residue; and

(1090) (2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form resulting from drainages, leakages, exhausted oil and other similar occurrences from machinery spaces.

(1091) *Oil spill response vessel* means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

(1092) *Oil tanker* means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

(1093) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(1094) *Permeability of a space* means the ratio of volume within a space that is assumed to be occupied by water to the total volume of that space.

(1095) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(1096) *Primary towing vessel* means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

(1097) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(1098) *Segregated ballast* means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast.

(1099) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(1100) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(1101) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(1102) *Tank vessel* means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that–

(1103) (1) Is a vessel of the United States;

(1104) (2) Operates on the navigable waters of the United States; or

(1105) (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

(1106) *Tankship* means a tank vessel propelled by mechanical power or sail.

(1107) *Vegetable oil* means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

(1108) *Wing tank* means a tank that is located adjacent to the side shell plating.

(1109)

§157.04 Authorization of classification societies.

(1110) (a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(1111) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S.

Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(1112) (c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(1113) (d) Acceptance as an authorized CS terminates unless the following are met:

(1114) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(1115) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(1116) (3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(1117) (4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(ii) must be marked with the name or seal of the authorized CS.

(1118) (5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.

(1119)

Subpart B–Design, Equipment, and Installation

(1120)

§157.08 Applicability of Subpart B.

(1121) NOTE: An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(1122) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(1123) (b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1124) (c) Section 157.21 applies to each oil tanker to which this part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1125) (d) Sections in subpart B of 33 CFR part 157 that are not specified in paragraphs (a) through (c) of this section apply to each oceangoing oil tanker to which this part applies of 150 gross tons or more, unless otherwise indicated in paragraphs (e) through (m) of this section. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(1126) (e) Sections 157.11 (a) through (f), 157.12, and 157.15 do not apply to a vessel, except an oil tanker, that carries less than 1,000 cubic meters of crude oil or products in bulk as cargo and which retains oily mixtures on board and discharges them to a reception facility.

(1127) (f) Sections 157.11 (a) through (f), 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feedstock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(1128) (g) Sections 157.11 (a) through (f), 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while underway.

(1129) (h) Sections 157.19 and 157.21 do not apply to a tank barge that is certificated by the Coast Guard for limited short protected coastwise routes if the barge is otherwise constructed and certificated for service exclusively on inland routes.

(1130) (i) Section 157.09(d) does not apply to any:

(1131) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(1132) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(1133) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(1134) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(1135) (1) Is constructed under a building contract awarded after June 1, 1979;

(1136) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(1137) (3) Is delivered after June 1, 1982; or

(1138) (4) Has undergone a major conversion for which:

(1139) (i) The contract is awarded after June 1, 1979;

(1140) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(1141) (iii) Conversion is completed after June 1, 1982.

(1142) (k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

(1143) (1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(1144) (m) Section 157.12 does not apply to a U.S. vessel that:

(1145) (1) Is granted an exemption under Subpart F of this part; or

(1146) (2) Is engaged solely in voyages that are:

(1147) (i) Between ports or places within the United States, its territories or possessions;

(1148) (ii) Of less than 72 hours in length; and

(1149) (iii) At all times within 50 nautical miles of the nearest land.

(1150) (n) Section 157.10d does not apply to:

(1151) (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);

(1152) (2) An oil spill response vessel;

(1153) (3) Before January 1, 2015–

(1154) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

(1155) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(1156) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(1157) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.20.

(1158) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(1159) (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., Chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(1160) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

(1161) (o) Section 157.11(h) applies to every oil tanker delivered on or after January 1, 2010, meaning an oil tanker—

(1162) (1) For which the building contract is placed on or after January 1, 2007;

(1163) (2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after July 1,2007;

(1164) (3) The delivery of which is on or after January 1, 2010; or

(1165) (4) That has undergone a major conversion—

(1166) (i) For which the contract is placed on or after January 1, 2007;

(1167) (ii) In the absence of a contract, the construction work of which is begun on or after July 1, 2007; or

(1168) (iii) That is completed on or after January 1, 2010.

(1169)

§157.10d Double hulls on tank vessels.

(1170) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel–

(1171) (1) For which the building contract is awarded after June 30, 1990; or

(1172) (2) That is delivered after December 31, 1993;

(1173) (3) That undergoes a major conversion for which;

(1174) (i) The contract is awarded after June 30, 1990; or

(1175) (ii) Conversion is completed after December 31, 1993; or

(1176) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(1177) NOTE: 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(1178) (b) Each vessel to which this section applies must be fitted with:

(1179) (1) A double hull in accordance with this section; and

(1180) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(1181) (c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:

(1182) (1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance w, as shown in Figure 157.10d(c) and specified as follows:

(1183) (i) For a vessel of 5,000 DWT and above: w=[0.5+(DWT/20,000)] meters; or, w=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(1184) (ii) For a vessel of less than 5,000 DWT: w=[0.4+(2.4)(DWT/20,000)] meters, but in no case less than 0.76 meter (30 in.).

(1185) (iii) For a vessel to which Paragraph (a)(4) of this section applies: w=0.76 meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1186)

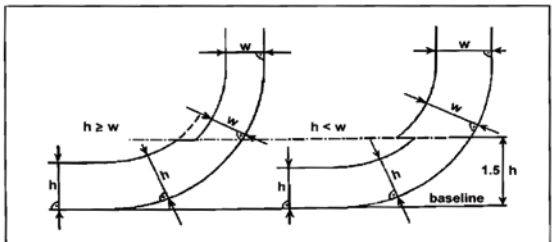


Figure 157.10d(c) Minimum Double Hull Dimensions

(1187) (2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance h, as shown in Figure 157.10d(c) and specified as follows:

(1188) (i) For a vessel of 5,000 DWT and above: h=B/15; or, h=2.0 meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(1189) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

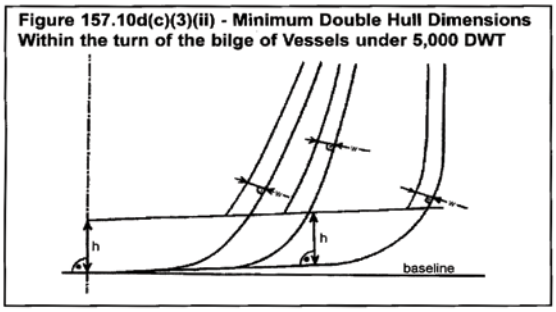
(1190) (iii) For a vessel to which Paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1191) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly defined, tanks containing oil must be located inboard of the outer shell–

(1192) (i) For a vessel of 5,000 DWT and above: At levels up to 1.5h above the base line, not less than the distance h, as shown in Figure 157.10d(c) and specified in Paragraph (c)(2) of this section. At levels greater than 1.5h above the base line, not less than the distance w, as shown in Figure 157.10d(c) and specified in Paragraph (c)(1) of this section.

(1193) (ii) For a vessel of less than 5,000 DWT: Not less than the distance h above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(2) of this section. At levels greater than h above the line of the mid-ship flat bottom, not less than the distance w, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(1) of this section.

(1194)



(1195) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(1196) (i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(1197) (ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(1198) (d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

(1199) (1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(1200) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(1201) (3) For a vessel to which Paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1202) (4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

(1203) (e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1204) (1) The collision bulkhead; or

(1205) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(1206) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forward perpendicular;

(1207) (ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

(1208) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(1209) (3) This Paragraph does not apply to independent fuel oil tanks that must be located on or above the main deck within the areas described in paragraphs (e)(1) and (e)(2) of this section to serve adjacent deck equipment that cannot be located further aft. Such tanks must be as small and as far aft as is practicable.

(1210) (f) On each vessel, the cargo tank length must not extend aft to any point closer to the stern than the distance equal to the required width of the double side, as prescribed in §157.10d(c)(1) or §157.10d(d)(1).

(1211)

Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

(1212)

§157.400 Purpose and applicability.

(1213) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(1214) (b) This subpart applies to each tank vessel specified in §157.01 of this part that–

(1215) (1) Is 5,000 gross tons or more;

(1216) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(1217) (3) Is not equipped with a double hull meeting §157.10d of this part, or an equivalent to the requirements of §157.10d, but required to be equipped with a double hull at a date set forth in 46 U.S.C. 3703a (b)(3) and (c)(3).

(1218)

§157.445 Maneuvering performance capability.

(1219) (a) A tankship owner or operator shall ensure that maneuvering tests in accordance with IMO Resolution A.751(18), sections 1.2, 2.3-2.4, 3-4.2, and 5 (with Explanatory Notes in MSC/Circ. 644) have been conducted by July 29, 1997. Completion of maneuvering performance tests must be shown by–

(1220) (1) For a foreign flag tankship, a letter from the flag administration or an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met; or

(1221) (2) For a U.S. flag tankship, results from the vessel owner confirming the completion of the tests or a letter from an authorized classification society, as described in §157.04 of this part, stating the requirements in Paragraph (a) of this section have been met.

(1222) (b) If a tankship undergoes a major conversion or alteration affecting the control systems, control surfaces, propulsion system, or other areas which may be expected to alter maneuvering performance, the tankship owner or operator shall ensure that new maneuvering tests are conducted as required by Paragraph (a) of this section.

(1223) (c) If a tankship is one of a class of vessels with identical propulsion, steering, hydrodynamic, and other relevant design characteristics, maneuvering performance test results for any tankship in the class may be used to satisfy the requirements of Paragraph (a) of this section.

(1224) (d) The tankship owner or operator shall ensure that the performance test results, recorded in the format of Appendix 6 of the Explanatory Notes in MSC/Circ. 644., are prominently displayed in the wheelhouse.

(1225) (e) Prior to entering the port or place of destination and prior to getting underway, the tankship master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible impact of the tankship's maneuvering capability on the transit.

(1226)

Part 160–Portsand Waterways Safety–General

(1227)

Subpart A–General

(1228)

§160.1 Purpose.

(1229) Part 160 contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

(1230)

§160.3 Definitions.

(1231) For the purposes of this subchapter:

(1232) *Bulk* means material in any quantity that is shipped, stored, or handled without the benefit of package, label, mark or count and carried in integral or fixed independent tanks.

(1233) *Captain of the Port* means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in part 3 of this chapter.

(1234) *Commandant* means the Commandant of the United States Coast Guard.

(1235) *Deviation* means any departure from any rule in this subchapter.

(1236) *Director, Vessel Traffic Services* means the Coast Guard officer designated by the Commandant to command a Vessel Traffic Service (VTS) as described in part 161 of this chapter.

(1237) *District Commander* means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in part 3 of this chapter.

(1238) *ETA* means estimated time of arrival.

(1239) *Length of Tow* means, when towing with a hawser, the length in feet from the stern of the towing vessel to the stern of the last vessel in tow. When pushing ahead or towing alongside, length of tow means the tandem length in feet of the vessels in tow excluding the length of the towing vessel.

(1240) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1241) *State* means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, and any other commonwealth, territory, or possession of the United States.

(1242) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1243) *Tank Vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue.

(1244) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1245) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1246) *Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States Coast Guard designed to improve the safety and efficiency of vessel traffic and to protect the environment. The VTS has the capability to interact with marine traffic and respond to traffic situations developing in the VTS area.

(1247) *Vessel Traffic ServiceArea* or *VTS Area* means the geographical area encompassing a specific VTS area of service as described in Part 161 of this chapter. This area of service may be subdivided into sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(1248) **Note:** Although regulatory jurisdiction is limited to the navigable waters of the United States, certain vessels will be encouraged or may be required, as a condition of port entry, to report beyond this area to facilitate traffic management within the VTS area.

(1249) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1250)

§160.5 Delegations.

(1251) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1252) (b) Under the provisions of 33 CFR 6.04-1 and 6.04-6, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(1253) (c) Under the provisions 33 CFR §1.05-1, District Commanders have been delegated authority to establish regulated navigation areas.

(1254) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Directors, Vessel Traffic Services are delegated authority under 33 CFR 1.01-30 to discharge the duties of the Captain of the Port that involve directing the operation, movement and anchorage of vessels within a Vessel Traffic Service area including management of vessel traffic within anchorages, regulated navigation areas and safety zones, and to enforce Vessel Traffic Service and ports and waterways safety regulations. This authority may be exercised by Vessel Traffic Center personnel. The Vessel Traffic Center may, within the Vessel Traffic Service area, provide information, make recommendations, or, to a vessel required under Part 161 of this chapter to participate in a Vessel Traffic Service, issue an order, including an order to operate or anchor as directed; require the vessel to comply with orders issued; specify times of entry, movement or departure; restrict operations as necessary for safe operation under the circumstances; or take other action necessary for control of the vessel and the safety of the port or of the marine environment.

(1255)

§160.7 Appeals.

(1256) (a) Any person directly affected by a safety zone or an order or direction issued under this subchapter (33 CFR Subchapter P) may request reconsideration by the official who issued it or in whose name it was issued. This request may be made orally or in writing, and the decision of the official receiving the request may be rendered orally or in writing.

(1257) (b) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the District Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the District Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the District Commander may, as a matter of discretion, allow oral presentation on the issues.

(1258) (c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by, or on behalf of, a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section may appeal to the Area Commander through the District Commander. The appeal must be in writing, except as allowed under paragraph (e) of this section, and shall contain complete supporting documentation and evidence which the appellant wishes to have considered. Upon receipt of the appeal, the Area Commander may direct a representative to gather and submit documentation or other evidence which would be necessary or helpful to a resolution of the appeal. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the Area Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the Area Commander may, as a matter of discretion, allow oral presentation on the issues.

(1259) (d) Any person who receives an unfavorable ruling on an appeal taken under paragraph (c) of this section, may appeal to the Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order

or direction was issued or the ruling under paragraph (c) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Prevention. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded 5 working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Prevention. The decision of the Assistant Commandant for Prevention is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Prevention is issued in writing and constitutes final agency action.

(1260) (e) If the delay in presenting a written appeal would have significant adverse impact on the appellant, the appeal under paragraphs (b) and (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the presentation was made. The written appeal must contain, at a minimum, the basis for the appeal and a summary of the material presented orally. If requested, the official to whom the appeal is directed may stay the effect of the action while the ruling is being appealed.

(1261)

Subpart B–Control of Vessel and Facility Operations

(1262)

§160.101 Purpose.

(1263) This subpart describes the authority exercised by District Commanders and Captains of the Ports to insure the safety of vessels and waterfront facilities, and the protection of the navigable waters and the resources therein. The controls described in this subpart are directed to specific situations and hazards.

(1264)

§160.103 Applicability.

(1265) (a) This subpart applies to any–

(1266) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1267) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1268) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1269) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1270) (c) Except pursuant to international treaty, convention, or agreement, to which the United States is a party, this subpart does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in:

(1271) (1) Innocent passage through the territorial sea of the United States;

(1272) (2) Transit through the navigable waters of the United States which form a part of an international strait.

(1273)

§160.105 Compliance with orders.

(1274) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

(1275)

§160.107 Denial of entry.

(1276) Each District Commander or Captain of the Port, subject to recognized principles of international law, may deny entry into the navigable waters of the United States or to any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, to any vessel not in compliance with the provisions of the Port and Tanker Safety Act (33 U.S.C. 1221–1232) or the regulations issued thereunder.

(1277)

§160.109 Waterfront facility safety.

(1278) (a) To prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters, and to protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss, each District Commander or Captain of the Port may:

(1279) (1) Direct the handling, loading, unloading, storage, stowage, and movement (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in 46 U.S.C. 2101 on any structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters; and

(1280) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

(1281)

§160.111 Special orders applying to vessel operations.

(1282) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when:

(1283) (a) The District Commander or Captain of the Port has reasonable cause to believe that the vessel is not in compliance with any regulation, law or treaty;

(1284) (b) The District Commander or Captain of the Port determines that the vessel does not satisfy the conditions for vessel operation and cargo transfers specified in §160.113; or

(1285) (c) The District Commander or Captain of the Port has determined that such order is justified in the interest of safety by reason of weather, visibility, sea conditions, temporary port congestion, other temporary hazardous circumstances, or the condition of the vessel.

(1286)

§160.113 Prohibition of vessel operation and cargo transfers.

(1287) (a) Each District Commander or Captain of the Port may prohibit any vessel, subject to the provisions of chapter 37 of Title 46, U.S. Code, from operating in the navigable waters of the United States, or from transferring cargo or residue in any port or place under the jurisdiction of the United States, and within the district or zone of that District Commander or Captain of the Port, if the District Commander or the Captain of the Port determines that the vessel's history of accidents, pollution incidents, or serious repair problems creates reason to believe that the vessel may be unsafe or pose a threat to the marine environment.

(1288) (b) The authority to issue orders prohibiting operation of the vessels or transfer of cargo or residue under paragraph (a) of this section also applies if the vessel:

(1289) (1) Fails to comply with any applicable regulation;

(1290) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1291) (3) Does not comply with applicable vessel traffic service requirements;

(1292) (4) While underway, does not have at least one deck officer on the navigation bridge who is capable of communicating in the English language.

(1293) (c) When a vessel has been prohibited from operating in the navigable waters of the United States under paragraphs (a) or (b) of this section, the District Commander or Captain of the Port may allow provisional entry into the navigable waters of the United States, or into any port or place under the jurisdiction of the United States and within the district or zone of that District Commander or Captain of the Port, if the owner or operator of such vessel proves to the satisfaction of the District Commander or Captain of the Port, that the vessel is not unsafe or does not pose a threat to the marine environment, and that such entry is necessary for the safety of the vessel or the persons on board.

(1294) (d) A vessel which has been prohibited from operating in the navigable waters of the United States, or from transferring cargo or residue in a port or place under the jurisdiction of the United States under the provisions of paragraph (a) or (b)(1), (2) or (3) of this section, may be allowed provisional entry if the owner or operator proves, to the satisfaction of the District Commander or Captain of the Port that has jurisdiction, that the vessel is no longer unsafe or a threat to the environment, and that the condition which gave rise to the prohibition no longer exists.

(1295)

§160.115 Withholding of clearance.

(1296) (a) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke the clearance required by 46 U.S.C. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

(1297)

Subpart C–Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargoes

(1298)

§160.201 General.

(1299) This subpart contains requirements and procedures for submitting a notice of arrival (NOA), and a notice of hazardous condition. The sections in this subpart describe:

(1300) (a) Applicability and exemptions from requirements in this subpart;

(1301) (b) Required information in an NOA;

(1302) (c) Required updates to an NOA;

(1303) (d) Methods and times for submission of an NOA, and updates to an NOA;

(1304) (e) How to obtain a waiver; and

(1305) (f) Requirements for submission of the notice of hazardous condition.

(1306) **Note to §160.201**. For notice-of-arrival requirements for the U.S. Outer Continental Shelf, see 33 CFR part 146.

(1307)

§160.202 Definitions.

(1308) Terms in this subpart that are not defined in this section or in §160.3 have the same meaning as those terms in 46 U.S.C. 2101. As used in this subpart—

(1309) *Agent* means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

(1310) *Barge* means a non-self propelled vessel engaged in commerce.

(1311) *Boundary waters* mean the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

(1312) *Carried in bulk* means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

(1313) *Certain dangerous cargo (CDC)* includes any of the following:

(1314) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1315) (2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(1316) (3) Division 2.3 "poisonous gas", as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation"

as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel.

(1317) (4) Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(1318) (5) A liquid material that has a primary or subsidiary classification of Division 6.1 "poisonous material" as listed in 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.

(1319) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(1320) (7) All bulk liquefied gas cargo carried under46 CFR 151.50-31 or listed in 46 CFR 154.7 that is flammable and/or toxic and that is not carried as certain dangerous cargo residue (CDC residue).

(1321) (8) The following bulk liquids except when carried as CDC residue:

(1322) (i) Acetone cyanohydrin;

(1323) (ii) Allyl alcohol;

(1324) (iii) Chlorosulfonic acid;

(1325) (iv) Crotonaldehyde;

(1326) (v) Ethylene chlorohydrin;

(1327) (vi) Ethylene dibromide;

(1328) (vii) Methacrylonitrile;

(1329) (viii) Oleum (fuming sulfuric acid); and

(1330) (ix) Propylene oxide, alone or mixed with ethylene oxide.

(1331) (9) The following bulk solids:

(1332) (i) Ammonium nitrate listed as Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue; and

(1333) (ii) Ammonium nitrate based fertilizer listed as a Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue.

(1334) *Certain dangerous cargo residue (CDC residue)* includes any of the following:

(1335) (1) Ammonium nitrate in bulk or ammonium nitrate based fertilizer in bulk remaining after all saleable cargo is discharged, not exceeding 1,000 pounds in total and not individually accumulated in quantities exceeding two cubic feet.

(1336) (2) For bulk liquids and liquefied gases, the cargo that remains onboard in a cargo system after discharge that is not accessible through normal transfer procedures, with the exception of the following bulk liquefied gas cargoes carried under 46 CFR 151.50-31 or listed in 46 CFR 154.7:

(1337) (i) Ammonia, anhydrous;

(1338) (ii) Chlorine;

(1339) (iii) Ethane;

(1340) (iv) Ethylene oxide;

(1341) (v) Methane (LNG);

(1342) (vi) Methyl bromide;

(1343) (vii) Sulfur dioxide; and

(1344) (viii) Vinyl chloride.

(1345) *Charterer* means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes "time charterers" and "voyage charterers."

(1346) *Crewmember* means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

(1347) *Embark* means when a crewmember or a person in addition to the crew joins the vessel.

(1348) *Ferry schedule* means a published document that:

(1349) (1) Identifies locations a ferry travels to and from;

(1350) (2) Lists the times of departures and arrivals; and

(1351) (3) Identifies the portion of the year in which the ferry maintains this schedule.

(1352) *Foreign vessel* means a vessel of foreign registry or operated under the authority of a country except the United States.

(1353) *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

(1354) *Gross tons* means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 ("Convention"). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

(1355) *Hazardous condition* means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

(1356) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1357) *Operating exclusively within a single Captain of the Port zone* refers to vessel movements within the boundaries of a single COTP zone, *e.g.*, from one dock to another, one berth to another, one anchorage to another, or any combination of such transits. Once a vessel has arrived in a port in a COPT zone, it would not be considered as departing from a port or place simply because of its movements within that specific port.

(1358) *Operator* means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

(1402)

Table 160.206 – NOA Information Items

Required Information	Vessels neither carrying CDC nor controlling another vessel carrying CDC	Vessels carrying CDC or controlling another vessel carrying CDC
(1) Vessel Information		
(i) Name	X	X
(ii) Name of the registered owner	X	X
(iii) Country of registry	X	X
(iv) Call sign	X	X
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number	X	X
(vi) Name of the operator	X	X
(vii) Name of the charterer	X	X
(viii) Name of classification society or recognized organization	X	X
(ix) Maritime Mobile Service Identity (MMSI) number, if applicable	X	X
(x) Whether the vessel is 300 gross tons or less (yes or no)	X	X
(xi) USCG Vessel Response Plan Control Number, if applicable	X	X
(2) Voyage Information		
(i) Names of last five foreign ports or places visited	X	X
(ii) Dates of arrival and departure for last five foreign ports or places visited	X	X
(iii) For the port or place of the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state	X	X
(iv) For the port or place in the United States to be visited, the estimated date and time of arrival	X	X
(v) For the port or place in the United States to be visited, the estimated date and time of departure	X	X
(vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting	X	X
(vii) The name and telephone number of a 24-hour point of contact	X	X
(viii) Whether the vessel's voyage time is less than 24 hours (yes or no)	X	X
(ix) Last port or place of departure	X	X
(x) Dates of arrival and departure for last port or place of departure	X	X
(3) Cargo Information		
(i) A general description of cargo, other than CDC, on board the vessel (e.g. grain, container, oil, etc.)	X	X
(ii) Name of each CDC carried, including cargo UN number, if applicable	–	X
(iii) Amount of each CDC carried	–	X
(4) Information for each Crewmember On Board		
(i) Full name	X	X
(ii) Date of birth	X	X
(iii) Nationalitiy	X	X
(iv) Passport* or mariners document number (type of identification and number)	X	X
(v) Position or duties on the vessel	X	X
(vi) Where the crewmembers embarked (list port or place and country)	X	X
(5) Information for each Person On Board in Addition to Crew		
(i) Full name	X	X
(ii) Date of birth	X	X
(iii) Nationality	X	X
(iv) Passport number*	X	X
(v) Where the person embarked (list port or place and country)	X	X
(6) Operational condition of equipment required by 33 CFR part 164 of this chapter (see note to table)	X	X
(7) International Safety Management (ISM) Code Notice		
(i) The date of expiration for the company's Document of Compliance certificate that covers the vessel	X	X
(ii) The date of expiration for the vessel's Safety Management Certificate	X	X
(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel Flag Administration, that issued those certificates	X	X
(8) International Ship and Port Facility Code (ISPS) Notice		
(i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any	X	X
(ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC	X	X
(iii) Declaration that the approved ship security plan, if any, is being implemented	X	X
(iv) If a subsequent and consecutive Interim ISSC, the reasons therefore	X	X
(v) The name and 24-hour contact information for the Company Security Officer	X	X
(vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel Flag Administration that issued the ISSC	X	X

Note to Table 160.206. For items with an asterisk (*), see paragraph (b) of this section. Submitting a response for item 6 indicating that navigation equipment is not operating properly does not serve as notice to the District Commander, Captain of the Port, or Vessel Traffic Center, under 33 CFR 164.53.

(1359) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1360) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(1361) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(1362) *Public vessel* means a vessel that is owned or demise-(bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

(1363) *Time charterer* means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(1364) *Voyage charterer* means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

(1365)

§160.203 Applicability.

(1366) (a) This subpart applies to the following vessels that are bound for or departing from ports or places within the navigable waters of the United States, as defined in 33 CFR 2.36(a), which includes internal waters and the territorial seas of the United States, and any deepwater port as defined in 33 CFR 148.5:

(1367) (1) U.S. vessels in commercial service, and

(1368) (2) All foreign vessels.

(1369) (b) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.

(1370) (c) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

(1371)

§160.204 Exemptions and exceptions.

(1372) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(1373) (1) A passenger or offshore supply vessel when employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(1374) (2) An oil spill response vessel (OSRV) when engaged in actual spill response operations or during spill response exercises.

(1375) (3) After December 31, 2015, a vessel required by 33 CFR 165.830 or 165.921 to report its movements, its cargo, or the cargo in barges it is towing.

(1376) (4) A United States or Canadian vessel engaged in the salving operations of any property wrecked, or rendering aid and assistance to any vessels wrecked, disabled, or in distress, in waters specified in Article II of the 1908 Treaty of Extradition, Wrecking and Salvage (35 Stat. 2035; Treaty Series 502).

(1377) (5) The following vessels neither carrying certain dangerous cargo nor controlling another vessel carrying certain dangerous cargo:

(1378) (i) A foreign vessel 300 gross tons or less not engaged in commercial service.

(1379) (ii) A vessel operating exclusively within a single Captain of the Port zone. Captain of the Port zones are defined in 33 CFR part 3.

(1380) (iii) A U.S. towing vessel and a U.S. barge operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia.

(1381) (iv) A public vessel.

(1382) (v) Except for a tank vessel, a U.S. vessel operating solely between ports or places of the United States on the Great Lakes.

(1383) (vi) A U.S. vessel 300 gross tons or less, engaged in commercial service not coming from a foreign port or place.

(1384) (vii) Each ferry on a fixed route that is described in an accurate schedule that is submitted by the ferry operator, along with information in paragraphs (a)(5)(vii)(A) through (J) of this section, to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule. At least 24 hours before the first date and time of arrival listed on the ferry schedule, each ferry operator who submits a schedule under paragraph (a)(5)(vii) of this section must also provide the following information to the Captain of the Port for each port or place of destination listed in the schedule for the ferry, and if the schedule or the following submitted information changes, the ferry operator must submit an updated schedule at least 24 hours in advance of the first date and time of arrival listed on the new schedule and updates on the following items whenever the submitted information is no longer accurate:

(1385) (A) Name of the vessel;

(1386) (B) Country of registry of the vessel;

(1387) (C) Call sign of the vessel;

(1388) (D) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

(1389) (E) Name of the registered owner of the vessel;

(1390) (F) Name of the operator of the vessel;

(1391) (G) Name of the vessel's classification society or recognized organization, if applicable;

(1392) (H) Each port or place of destination;

(1393) (I) Estimated dates and times of arrivals at and departures from these ports or places; and

(1394) (J) Name and telephone number of a 24-hour point of contact.

(1395) (6) From April 30, 2015 through December 31, 2015, vessels identified as being subject to 33 CFR 165.830 or 165.921.

(1396) (b) A vessel less than 500 gross tons is not required to submit the International Safety Management (ISM) Code Notice (Entry 7 in Table 160.206 of §160.206).

(1397) (c) A U.S. vessel is not required to submit the International Ship and Port Facility Security (ISPS) Code Notice information (Entry 8 in Table 160.206 of §160.206).

(1398)

§160.205 Notices of arrival.

(1399) The owner, agent, Master, operator, or person in charge of a vessel must submit notices of arrival consistent with the requirements in this subpart.

(1400)

§160.206 Information required in an NOA.

(1401) (a) Information required. With the exceptions noted in paragraph (b) of this section, each NOA must contain all of the information items specified in Table 160.206. Vessel owners and operators should protect any personal information they gather in preparing notices for transmittal to the National Vessel Movement Center (NVMC) to prevent unauthorized disclosure of that information.

(1403) (b) Exceptions. If a crewmember or person on board other than a crewmember is not required to carry a passport for travel, then passport information required in Table 160.206 by items (4)(iv) and (5)(iv) need not be provided for that person.

(1404)

§ 160.208 Updates to a submitted NOA.

(1405) (a) Unless otherwise specified in this section, whenever events cause NOA information submitted for a vessel to become inaccurate, or the submitter to realize that data submitted was inaccurate, the owner, agent, Master, operator, or person in charge of that vessel must submit an update within the times required in §160.212.

(1406) (b) Changes in the following information need not be reported:

(1407) (1) Changes in arrival or departure times that are less than six (6) hours;

(1408) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(1409) (3) Changes to crewmembers' position or duties on the vessel (entry (4)(vii) to Table 160.206).

(1410) (c) When reporting updates, revise and resubmit the NOA.

(1411)

§160.210 Methods for submitting an NOA.

(1412) (a) *National Vessel Movement Center (NVMC)*. Except as otherwise provided in this paragraph or paragraph (b) of this section, vessels must submit NOA information required by §160.206 to the NVMC using methods currently specified at *www.nvmc.uscg.gov*, which includes submission through the NVMC electronic Notice of Arrival and Departure (eNOAD) World Wide Web site, and XML, which includes the Excel Workbook format. These data may also be submitted using other methods that may be added as future options on *www.nvmc.uscg.gov*. XML spreadsheets may be submitted via email to *enoad@nvmc.uscg.gov*. If a vessel operator must submit an NOA or an update, for a vessel in an area without internet access or when experiencing technical difficulties with an onboard computer, and he or she has no shore-side support available, the vessel operator may fax or phone the submission to the NVMC. Fax at 1–800–547–8724 or 304–264–2684. Workbook available at *www.nvmc.uscg.gov*; or, telephone at 1–800–708–9823 or 304–264–2502.

(1413) (b) *Saint Lawrence Seaway*. Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada using methods specified at *www.nvmc.uscg.gov*.

(1414)

§160.212 When to submit an NOA.

(1415) (a) *Submission of an NOA*. (1) Except as set out in paragraphs (a)(2) and (a)(3) of this section, all vessels must submit NOAs within the times required in paragraph (a)(4) of this section.

(1416) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places of the contiguous 48 states, Alaska, and the District of Columbia, must submit an NOA before departure but at least 12 hours before arriving at the port or place of destination.

(1417) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, and whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the foreign port or place. Also, Canadian vessels 300 gross tons or less, arriving directly from Canada, via boundary waters, to a United States port or place on the Great Lakes, whose voyage time is less than 24 hours must submit an NOA at least 60 minutes before departure from the Canadian port or place.

(1418) (4) Times for submitting NOAs are as follows:

(1419)

If your voyage time is –	Then you must submit an NOA –
(i) 96 hours or more; or	At least 96 hours before arriving at the port or place of destination; or
(ii) Less than 96 hours	Before departure but at least 24 hours before arriving at the port or place of destination.

(1420) (b) *Submission of updates to an NOA*. (1) Except as set out in paragraphs (b)(2) and (b)(3) of this section, vessels must submit updates in NOA information within the times required in paragraph (b)(4) of this section.

(1421) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the contiguous 48 states, Alaska, and the District of Columbia, must submit updates to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(1422) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, whose voyage time is—

(1423) (i) Less than 24 hours but greater than 6 hours, must submit updates to an NOA as soon as practicable, but at least 6 hours before entering the port or place of destination.

(1424) (ii) Less than or equal to 6 hours, must submit updates to an NOA as soon as practicable, but at least 60 minutes before departure from the foreign port or place.

(1425) (4) Times for submitting updates to NOAs are as follows:

(1426)

If your remaining voyage time is –	Then you must submit updates to an NOA –
(i) 96 hours or more;	As soon as practicable, but at least 24 hours before arriving at the port or place of destination;
(ii) Less than 96 hours but not less than 24 hours; or	As soon as practicable, but at least 24 hours before arriving at the port or place of destination; or
(iii) Less than 24 hours	As soon as practicable, but at least 12 hours before arriving at the port or place of destination.

(1427)

§160.214 Waivers.

(1428) The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

(1429)

§160.215 Force majeure.

(1430) When a vessel is bound for a port or place of the United States under force majeure, it must comply with the requirements in this section, but not other sections of this subpart. The vessel must report the following information to the nearest Captain of the Port as soon as practicable:

(1431) (a) The vessel Master's intentions;

(1432) (b) Any hazardous conditions as defined in §160.202; and

(1433) (c) If the vessel is carrying certain dangerous cargo or controlling a vessel carrying certain dangerous cargo, the amount and name of each CDC carried, including cargo UN number if applicable.

(1434)

§160.216 Notice of hazardous conditions.

(1435) (a) Whenever there is a hazardous condition either on board a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge must immediately notify the nearest Coast Guard Sector Office or Group Office, and in addition submit any report required by 46 CFR 4.05-10.

(1435.01) (b) When the hazardous condition involves cargo loss or jettisoning as described in 33 CFR 97.115, the notification required by paragraph (a) of this section must include—

(1435.02) (1) What was lost, including a description of cargo, substances involved, and types of packages;

(1435.03) (2) How many were lost, including the number of packages and quantity of substances they represent;

(1435.04) (3) When the incident occurred, including the time of the incident or period of time over which the incident occurred;

(1435.05) (4) Where the incident occurred, including the exact or estimated location of the incident, the route the ship was taking, and the weather (wind and sea) conditions at the time or approximate time of the incident; and

(1435.06) (5) How the incident occurred, including the circumstances of the incident, the type of securing equipment that was used, and any other material failures that may have contributed to the incident.

(1436)

Part 164–NavigationSafety Regulations (in part). For a complete description of this part see 33 CFR 164.

(1437)

§164.01 Applicability.

(1438) (a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in §164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(1439) (b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of §164.72 if it is–

(1440) (1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(1441) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1442) (3) Used solely for pollution response; or

(1443) (4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from §164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(1444) (c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(1445) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

(1446)

§164.02 Applicability exception for foreign vessels.

(1447) (a) Except for §164.46(c), none of the requirements of this part apply to foreign vessels that:

(1448) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1449) (2) Are in:

(1450) (i) Innocent passage through the territorial sea of the United States; or

(1451) (ii) Transit through navigable waters of the United States which form a part of an international strait.

(1452)

§164.03 Incorporation by reference.

(1453) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of the change in the Federal Register and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202–741–6030, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*. Also, it is available for inspection at the Commandant (CG-NAV), U.S. Coast Guard Stop 7418, Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593-7418, and is available from the sources listed below.

(1454) (b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005-4070, 202–682–8000, *www.api.org*:

(1455) (1) API Specification 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984, IBR approved for §164.74.

(1456) (2) [Reserved]

(1457) (c) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610–832–9585, *www.astm.org*:

(1458) (1) ASTM D4268-93, Standard Test Method for Testing Fiber Rope, IBR approved for §164.74.

(1459) (2) [Reserved]

(1460) (d) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043.

(1461) (1) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980, IBR approved for §164.74.

(1462) (2) [Reserved]

(1463) (e) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, *www.imo.org*:

(1464) (1) IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, November 12, 1975, IBR approved for §164.13.

(1465) (2) IMO Resolution A.917(22), Guidelines for the Onboard Operational Use of Shipborne Automatic Identification System (AIS), January 25, 2002, IBR approved for §164.46.

(1466) (3) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), January 6, 2003, IBR approved for §164.46.

(1467) (4) SN/Circ.244, Guidance on the Use of the UN/LOCODE in the Destination Field in AIS Messages, December 15, 2004, IBR approved for §164.46.

(1468) (5) SN/Circ.245, Amendments to the Guidelines for the Installation of a Shipborne Automatic Identification System (AIS)(SN/Circ.227), December 15, 2004, IBR approved for §164.46.

(1469) (6) SOLAS, International Convention for the Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments), IBR approved for §164.46.

(1470) (7) Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted on December 12, 2002, IBR approved for §164.46.

(1471) (8) SN.1/Circ.289, Guidance on the Use of AIS Application-Specific Messages, June 2, 2010, IBR approved for §164.46.

(1472) (f) National Marine Electronics Association (NMEA), 7 Riggs Avenue, Severna Park, MD 21146, 800–808–6632, *www.nmea.org*:

(1473) (1) NMEA 0400, Installation Standard for Marine Electronic Equipment used on Moderate-Sized Vessels, Version 3.10, February 2012, IBR approved for §164.46.

(1474) (2) [Reserved]

(1475) (g) Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent St., Suite 605, Arlington, VA 22209, 703–527–2000, *www.rtcm.org*:

(1476) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977, IBR approved for §164.41.

(1477) (2) RTCM Paper 71-95/SC112-STD, RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, Version 1.1, October 10, 1995, IBR approved for §164.72.

(1478) (3) RTCM Paper 191-93/SC112-X, RTCM Recommended Standards for Maritime Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, Version 1.2, December 20, 1993, IBR approved for §164.72.

(1479)

§164.11 Navigation under way; General.

(1480) The owner, master, or person in charge of each vessel underway shall ensure that:

(1481) (a) The wheelhouse is constantly manned by persons who:

(1482) (1) Direct and control the movement of the vessel; and

(1483) (2) Fix the vessel's position;

(1484) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1485) (c) The position of the vessel at each fix is plotted on a chart of the area and the person directing the movement of the vessel is informed of the vessel's position;

(1486) (d) Electronic and other navigational equipment, external fixed aids to navigation, geographic reference points, and hydrographic contours are used when fixing the vessel's position;

(1487) (e) Buoys alone are not used to fix the vessel's position;

(1488) **Note:** Buoys are aids to navigation placed in approximate positions to alert the mariner to hazards to navigation or to indicate the orientation of a channel. Buoys may not maintain an exact position because strong or varying currents, heavy seas, ice, and collisions with vessels can move or sink them or set them adrift. Although buoys may corroborate a position fixed by other means, buoys cannot be used to fix a position: however, if no other aids are available, buoys alone may be used to establish an estimated position.

(1489) (f) The danger of each closing visual or each closing radar contact is evaluated and the person directing the movement of the vessel knows the evaluation;

(1490) (g) Rudder orders are executed as given;

(1491) (h) Engine speed and direction orders are executed as given;

(1492) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1493) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters during low visibility.);

(1494) (k) If a pilot other than a member of the vessel's crew is employed, the pilot is informed of the draft, maneuvering characteristics, and peculiarities of the vessel and of any abnormal circumstances on the vessel that may affect its safe navigation.

(1495) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1496) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1497) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1498) (o) The vessel's anchors are ready for letting go;

(1499) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for:

(1500) (1) The prevailing visibility and weather conditions;

(1501) (2) The proximity of the vessel to fixed shore and marine structures;

(1502) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1503) (4) The comparative proportions of the vessel and the channel;

(1504) (5) The density of marine traffic;

(1505) (6) The damage that might be caused by the vessel's wake;

(1506) (7) The strength and direction of the current; and

(1507) (8) Any local vessel speed limit;

(1508) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1509) (r) The equipment required by this part is maintained in operable condition.

(1510) (s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(1511) (t) At least two of the steering gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when the vessel is sailing on the Great Lakes and their connecting and tributary waters, and except as required by paragraph (u) of this section.

(1512) (u) On each passenger vessel meeting the requirements of the International Convention for the Safety of Life at Sea, 1960 (SILAS 60) and on each cargo vessel meeting the requirements of SILAS 74 as amended in 1981, the number of steering-gear power units necessary to move the rudder from 35° on either side to 30° on the other in not more than 28 seconds must be in simultaneous operation.

(1513)

§164.13 Navigation underway: tankers.

(1514) (a) As used in this section, tanker means a self-propelled tank vessel, including integrated tug barge combinations, constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces and inspected and certificated as a tanker.

(1515) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least an engineer with an appropriately endorsed license or merchant mariner credential.

(1516) (c) Each tanker must navigate with at least two deck officers with an appropriately endorsed license or merchant mariner credential on watch on the bridge, one of whom may be a pilot. In waters where a pilot is required, the second officer, must be an individual holding an appropriately endorsed license or merchant mariner credential and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(1517) (d) Except as specified in paragraph (e) of this section, a tanker may operate with an auto pilot engaged only if all of the following conditions exist:

(1518) (1) The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).

(1519) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1520) (3) The tanker is not operating in any of the following areas:

(1521) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1522) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1523) (iii) An anchorage ground specified in part 110 of this chapter.

(1524) (iv) An area within one-half nautical mile of any U.S. shore.

(1525)

§164.15 Navigation bridge visibility.

(1526) (a) The arrangement of cargo, cargo gear, and trim of all vessels entering or departing from U.S. ports must be such that the field of vision from the navigation bridge conforms as closely as possible to the following requirements:

(1527) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two ship lengths or 500 meters (1640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(1528) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(1529) (3) From each bridge wing, the field of vision must extend over an arc from at least 45 degrees on the opposite bow, through dead ahead, to at least dead astern.

(1530) (4) From the main steering position, the field of vision must extend over an arc from dead ahead to at least 60 degrees on either side of the vessel.

(1531) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

(1532)

§164.19 Requirements for vessels at anchor.

(1533) The master or person in charge of each vessel that is anchored shall ensure that:

(1534) (a) A proper anchor watch is maintained;

(1535) (b) Procedures are followed to detect a dragging anchor; and

(1536) (c) Whenever weather, tide, or current conditions are likely to cause the vessel's anchor to drag, action is taken to ensure the safety of the vessel, structures, and other vessels, such as being ready to veer chain, let go a second anchor, or get underway using the vessel's own propulsion or tug assistance.

(1537)

§164.25 Tests before entering or getting underway.

(1538) (a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1539) (1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and where applicable, the operation of the following:

(1540) (i) Each remote steering gear control system.

(1541) (ii) Each steering position located on the navigating bridge.

(1542) (iii) The main steering gear from the alternative power supply, if installed.

(1543) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1544) (v) Each remote steering gear control system power failure alarm.

(1545) (vi) Each remote steering gear power unit failure alarm.

(1546) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1547) (2) All internal vessel control communications and vessel control alarms.

(1548) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1549) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1550) (5) Main propulsion machinery, ahead and astern.

(1551) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(1552) (c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

(1553) (d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis

at least once every three months. This drill must include at a minimum the following:

(1554) (1) Operation of the main steering gear from within the steering gear compartment.

(1555) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1556) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(1557)

§164.30 Charts, publications, and equipment: General.

(1558) No person may operate or cause the operation of a vessel unless the vessel has the marine charts, publications, and equipment as required by §§164.33 through 164.41 of this part.

(1559)

§164.33 Charts and publications.

(1560) (a) Each vessel must have the following:

(1561) (1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that–

(1562) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1563) (ii) Are currently corrected.

(1564) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1565) (i) U.S. Coast Pilot.

(1566) (ii) Coast Guard Light List.

(1567) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1568) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1569) (ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(1570) (b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be currently corrected. The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be currently corrected, with the exceptions of tide and tidal current tables, which must be the current editions.

(1571) (c) As used in this section, currently corrected means corrected with changes contained in all Notices to Mariners published by National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

(1572)

§164.35 Equipment: All vessels.

(1573) Each vessel must have the following:

(1574) (a) A marine radar system for surface navigation.

(1575) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1576) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1577) (d) A gyrocompass.

(1578) (e) An illuminated repeater for the gyrocompass required by paragraph (d) of this section that is at the main steering stand, unless that gyrocompass is illuminated and is at the main steering stand.

(1579) (f) An illuminated rudder angle indicator in the wheelhouse.

(1580) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1581) (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(1582) (2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of rudder.

(1583) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1584) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1585) (5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(1586) (6) The maneuvering information for the normal load and normal ballast condition for:

(1587) (i) Calm weather-wind 10 knots or less, calm sea;

(1588) (ii) No current;

(1589) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1590) (iv) Clean hull.

(1591) (7) At the bottom of the fact sheet, the following statement:

(1592)

WARNING

The response of the (name of the vessel) may be different from that listed above if any of the following conditions, upon which the maneuvering information is based, are varied:
(1) Calm weather—wind 10 knots or less, calm sea;
(2) No current;
(3) Water depth twice the vessel's draft or greater;
(4) Clean hull; and
(5) Intermediate drafts or unusual trim.

(1593)

(1594) (h) An echo depth sounding device.

(1595) (i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

(1596) (j) Equipment on the bridge for plotting relative motion.

(1597) (k) Simple operating instructions with a block diagram, showing the changeover procedures for remote steering gear control systems and steering gear power units. permanently displayed on the navigating bridge and in the steering gear compartment.

(1598) (l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(1599) (m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(1600) (n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(1601) (o) A telephone or other means of communication for relaying headings to the emergency steering station. Also, each vessel of 500 gross tons and over and constructed on or after June 9, 1995 must be provided with arrangements for supplying visual compass-readings to the emergency steering station.

(1602)

§164.37 Equipment: Vessels of 10,000 gross tons or more.

(1603) (a) Each vessel of 10,000 gross tons or more must have, in addition to the radar system under §164.35(a), a second marine radar system that operates independently of the first.

(1604) **Note:** Independent operation means two completely separate systems, from separate branch power supply circuits or distribution panels to antennas, so that failure of any component of one system will not render the other system inoperative.

(1605) (b) On each tanker of 10,000 gross tons or more that is subject to 46 U.S.C. 3708, the dual radar system required by this part must have a short range capability and a long range capability and each radar must have true north features consisting of a display that is stabilized in azimuth.

(1606)

§164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

(1607)

§164.39 Steering gear: Foreign tankers.

(1608) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that–

(1609) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1610) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1611) (b) *Definitions*. The terms used in this section are as follows:

(1612) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SILAS 74.

(1613) *Existing tanker* means a tanker–

(1614) (1) For which the building contract is placed on or after June 1, 1979;

(1615) (2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after January 1, 1980;

(1616) (3) The delivery of which occurs on or after June 1, 1982; or

(1617) (4) That has undergone a major conversion contracted for on or after June 1, 1979; or construction of which was begun on or after January 1, 1980, or completed on or after June 1, 1982.

(1618) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(1619) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1620) *Tanker* means a self-propelled vessel defined as a tanker by 46 U.S.C. 2101(38) or as a tank vessel by 46 U.S.C. 2101(39).

(1621) (c) Each tanker constructed on or after September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29 and 30, of SOLAS 74.

(1622) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(1623) (e) Each tanker of 40,000 gross tons or more, constructed before September 1, 1984, that does not meet the single-failure criterion of Chapter II-1, Regulation 29.16, of SOLAS 74, must meet the requirements of Chapter II-1, Regulation 29.20, of SOLAS 74.

(1624) (f) Each tanker constructed before September 1, 1984, must meet the applicable requirements of Chapter II-1, Regulations 29.14 and 29.15, of SOLAS 74.

(1625)

§164.40 Devices to indicate speed and distance.

(1626) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water or over the ground.

(1627) (b) The device must meet the following specifications:

(1628) (1) The display must be easily readable on the bridge by day or night.

(1629) (2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(1630) (3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

(1631)

§164.41 Electronic position fixing devices.

(1632) (a) Each vessel calling at a port in the continental United States, including Alaska south of Cape Prince of Wales, except each vessel owned or barefoot chartered and operated by the United States, or by a state or its political subdivision, or by a foreign nation, and not engaged in commerce, must have a satellite navigation receiver with—

(1633) (1) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1634) (2) Position updates derived from satellite information during each usable satellite pass.

(1635) (b) A system that is found by the Commandant to meet the intent of the statements of availability, coverage, and accuracy for the U.S. Coastal Confluence Zone (CCZ) contained in the U.S. "Federal Radionavigation Plan" (Report No. DOD–NO 4650.4–P, I or No. DOT–TSC–RSPA–80–16, I). A person desiring a finding by the Commandant under this subparagraph must submit a written application describing the device to the Coast Guard Deputy Commander for Operations (CG–DCO), 2100 2nd St. SW., Stop 7471, Washington, DC 20593–7471. After reviewing the application, the Commandant may request additional information to establish whether or not the device meets the intent of the Federal Radionavigation Plan.

(1636) **Note**: The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, VA 22161, with the following Government Accession Numbers:

(1637) Vol 1, ADA 116468

(1638) Vol 2, ADA 116469

(1639) Vol 3, ADA 116470

(1640) Vol 4, ADA 116471

(1641)

§164.42 Rate of turn indicator.

(1642) Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984, shall be fitted with a rate of turn indicator.

(1643)

§164.43 [Removed]

(1644)

§164.46 Automatic Identification System (AIS).

(1645) (a) *Definitions*. As used in this section—Automatic Identification Systems or AIS means a maritime navigation safety communications system standardized by the International Telecommunication Union (ITU), adopted by the International Maritime Organization (IMO), that—

(1646) (1) Provides vessel information, including the vessel's identity, type, position, course, speed, navigational status and other safety-related information automatically to appropriately equipped shore stations, other ships, and aircraft;

(1647) (2) Receives automatically such information from similarly fitted ships, monitors and tracks ships; and

(1648) (3) Exchanges data with shore-based facilities.

(1649) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(1650) *International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea applies to a port outside such country, or conversely.

(1651) *Properly installed, operational* means an Automatic Identification System (AIS) that is installed and operated using the guidelines set forth by the International Maritime Organization (IMO) Resolution A.917(22) and Safety of Navigation Circulars (SN/Circ.) 227, 244, 245, and SN.1/Circ.289; or National Marine Electronics Association (NMEA) Installation Standard 0400-3.10 in lieu of SN/Circ.227 and 245 (incorporated by reference, see §164.03).

(1652) (b) *AIS carriage*—(1) *AIS Class A device*. The following vessels must have on board a properly installed, operational Coast Guard type-approved AIS Class A device:

(1653) (i) A self-propelled vessel of 65 feet or more in length, engaged in commercial service.

(1654) (ii) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial service.

(1655) (iii) A self-propelled vessel that is certificated to carry more than 150 passengers.

(1656) (iv) A self-propelled vessel engaged in dredging operations in or near a commercial channel or shipping fairway in a manner likely to restrict or affect navigation of other vessels.

(1657) (v) A self-propelled vessel engaged in the movement of—

(1658) (A) Certain dangerous cargo as defined in subpart C of part 160 of this chapter, or

(1659) (B) Flammable or combustible liquid cargo in bulk that is listed in 46 CFR 30.25-1, Table 30.25-1.

(1660) (2) *AIS Class B device*. Use of a Coast Guard type-approved AIS Class B device in lieu of an AIS Class A

device is permissible on the following vessels if they are not subject to pilotage by other than the vessel Master or crew:

(1661) (i) Fishing industry vessels;

(1662) (ii) Vessels identified in paragraph (b)(1)(i) of this section that are certificated to carry less than 150 passengers and that—

(1663) (A) Do not operate in a Vessel Traffic Service (VTS) or Vessel Movement Reporting System (VMRS) area defined in Table 161.12(c) of §161.12 of this chapter, and

(1664) (B) Do not operate at speeds in excess of 14 knots; and

(1665) (iii) Vessels identified in paragraph (b)(1)(iv) of this section engaged in dredging operations.

(1666) **Note to paragraph (b):** Under 33 U.S.C. 1223(b)(3) and 33 CFR 160.111, a Coast Guard Captain of the Port (COTP) may restrict the operation of a vessel if he or she determines that by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the restriction is justified in the interest of safety. In certain circumstances, if a COTP is concerned that the operation of a vessel not subject to §164.46 would be unsafe, the COTP may determine that voluntary installation of AIS by the operator would mitigate that concern.

(1667) (c) *SOLAS provisions*. The following self-propelled vessels must comply with International Convention for Safety of Life at Sea (SOLAS), as amended, Chapter V, regulation 19.2.1.6 (Positioning System), 19.2.4 (AIS Class A), and 19.2.3.5 (Transmitting Heading Device) or 19.2.5.1 (Gyro Compass) as applicable (Incorporated by reference, see §164.03):

(1668) (1) A vessel of 300 gross tonnage or more, on an international voyage.

(1669) (2) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.

(1670) (d) *Operations*. The requirements in this paragraph are applicable to any vessel equiped with AIS.

(1671) (1) Use of AIS does not relieve the vessel of the requirements to sound whistle signals or display lights or shapes in accordance with the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), 28 U.S.T. 3459, T.I.A.S. 8587, or Inland Navigation Rules, 33 CFR part 83; nor of the radio requirements of the Vessel Bridge-to-Bridge Radiotelephone Act, 33 U.S.C. 1201-1208, part 26 of this chapter, and 47 CFR part 80.

(1672) (2) AIS must be maintained in effective operating condition, which includes—

(1673) (i) The ability to reinitialize the AIS, which requires access to and knowledge of the AIS power source and password;

(1674) (ii) The ability to access AIS information from the primary conning position of the vessel;

(1675) (iii) The accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;

(1676) (iv) The accurate input and upkeep of all AIS data fields and system updates; and

(1677) (v) For those vessels denoted in paragraph (b) of this section, the continual operation of AIS and its associated devices (*e.g.*, positioning system, gyro, converters, displays) at all times while the vessel is underway or at anchor, and, if moored, at least 15 minutes prior to getting underway; except when its operation would compromise the safety or security of the vessel or a security incident is imminent. The AIS should be returned to continuous operation as soon as the compromise has been mitigated or the security incident has passed. The time and reason for the silent period should be recorded in the ship's official log and reported to the nearest Captain of the Port or Vessel Traffic Center (VTC).

(1678) (3) AIS safety-related text messaging must be conducted in English and solely to exchange or communicate pertinent navigation safety information (analogous to a SECURITE broadcast). Although not prohibited, AIS text messaging should not be relied upon as the primary means for broadcasting distress (MAYDAY) or urgent (PAN PAN) communications. (47 CFR 80.1109, Distress, urgency, and safety communications).

(1679) (4) AIS application-specific messaging (ASM) is permissible, but is limited to applications adopted by the International Maritime Organization (such as IMO SN.1/Circ.289) or those denoted in the International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) ASM Collection for use in the United States or Canada, and to no more than one ASM per minute.

(1680) **Note to paragraph (d):** The Coast Guard has developed the "U.S. AIS Encoding Guide" to help ensure consistent and accurate data encoding (input) by AIS users. This Guide is available at our "AIS Frequently Asked Questions" (FAQ #2) World Wide Web page at *www.navcen.uscg.gov*. Although of great benefit, the interfacing or installation of other external devices or displays (e.g., transmitting heading device, gyro, rate of turn indicator, electronic charting systems, and radar), is not currently required except as denoted in §164.46(c). Most application-specific messages require interfacing to an external system that is capable of their portrayal, such as equipment certified to meet Radio Technical Commission for Maritime Services (RTCM) electronic chart system (ECS) standard 10900 series.

(1681) (e) *Watchkeeping*. AIS is primarily intended for use by the Master or person in charge of the vessel, or by the person designated by the Master or person in charge to pilot or direct the movement of the vessel, who must maintain a periodic watch for AIS information.

(1682) (f) *Portable AIS*. The use of a portable AIS is permissible only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board and such that only one AIS device may be transmitting on board a vessel at any one time.

(1683) (g) *AIS Pilot Plug*. The AIS Pilot Plug on any vessel subject to pilotage by other than the vessel Master or crew

must be readily available and easily accessible from the primary conning position of the vessel and permanently affixed (not an extension cord) and adjacent (within 3 feet) to a 120-volt 50/60 Hz AC power receptacle (NEMA 5-15).

(1684) (h) *Exceptions*. The following vessels may seek up to a 5-year deviation from the AIS requirements of this section by requesting a deviation under §164.55.

(1685) (1) Vessels that operate solely within a very confined area (e.g., less than a 1 nautical-mile radius, shipyard, or barge fleeting facility);

(1686) (2) Vessels that conduct only short voyages (less than 1 nautical mile) on a fixed schedule (e.g., a bank-to-bank river ferry service or a tender vessel);

(1687) (3) Vessels that are not likely to encounter other AIS-equipped vessels;

(1688) (4) Vessels whose design or construction makes it impracticable to operate an AIS device (e.g., those that lack electrical power, have an exposed or open cabin, or are submersible); or

(1689) (5) Vessels denoted in paragraph (b)(2) that seek a deviation from requirements in paragraphs (d)(2)(ii) and (e) of this section because their AIS Class B device lacks a display.

(1690) (i) *Prohibition*. Except for maritime support stations (see 47 CFR 80.5) licensed by the Federal Communications Commission (FCC), broadcasts from AIS Class A or B devices on aircraft, non-self propelled vessels or from land are prohibited.

(1691) (j) *Implementation date*. Those vessels identified in paragraphs (b) and (c) of this section that were not previously subject to AIS carriage must install AIS no later than March 1, 2016.

(1692)

§164.51 Deviations from rules: Emergency.

(1693) Except for the requirements of §164.53(b), in an emergency, any person may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment.

(1694)

§164.53 Deviations from rules and reporting: Non-operating equipment.

(1695) (a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by 33 CFR 160.

(1696) (b) If the vessel's automatic identification system (AIS), radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(1697)

§164.55 Deviations from rules: Continuing operation or period of time.

(1698) The Captain of the Port, upon written application, may authorize a deviation from any rule in this part if he determines that the deviation does not impair the safe navigation of the vessel under anticipated conditions and will not result in a violation of the rules for preventing collisions at sea. The authorization may be issued for vessels operating in the waters under the jurisdiction of the Captain of the Port for any continuing operation or period of time the Captain of the Port specifies.

(1699)

§164.61 Marine casualty reporting and record retention.

(1700) When a vessel is involved in a marine casualty as defined in 46 CFR 4.03-1, the master or person in charge of the vessel shall:

(1701) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(1702) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for:

(1703) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(1704) (2) 30 days after the return of the vessel to a United States port if the vessel departs the navigable waters of the United States within 30 days after the marine casualty.

(1705)

§164.70 Definitions.

(1706) For purposes of §§164.72 through 164.82, the term–

(1707) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(1708) *Currently corrected edition* means a current or previous edition of a publication required by §164.72, corrected with changes that come from Notice to Mariners (NTMs) or Notices to Navigation reasonably available and that apply to the vessel's transit. Hand-annotated river maps from U.S. Army Corps of Engineers (ACOE) are currently corrected editions if issued within the previous 5 years.

(1709) *Great Lakes* means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock.

(1710) *Merchant mariner credential* or *MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(1711) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(1712) *Towing vessel* means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

(1713) *Western Rivers* means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational-demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternative Route including the Old River and the Red River and those waters specified by §§89.25 and 89.27 of this chapter, and such other, similar waters as are designated by the COTP.

(1714)

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(1715) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(1716) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(1717) (i) For a vessel of less than 300 tons gross tonnage that engages in towing on navigable waters of the U.S., including Western Rivers, the radar must meet–

(1718) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(1719) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper-71-95/SC112-STD, Version 1.1, display Category II and stabilization Category Bravo.

(1720) (ii) For a vessel of less than 300 tons gross tonnage that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(1721) (A) The requirements of the FCC specified by 47 CFR part 80; and

(1722) (B) RTCM Standard for Marine Radar Equipment Installed on Ships of Less Than 300 Tons Gross Tonnage, RTCM Paper 71-95/SC112-STD, Version 1.1, display Category I and stabilization Category Alpha.

(1723) (iii) For a vessel of 300 tons gross tonnage or more that engages in towing on navigable waters of the U.S. including Western rivers, the radar must meet–

(1724) (A) The requirements of the Federal Communications Commission (FCC) specified by a 47 CFR part 80; and

(1725) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2 except the requirements for azimuth stabilization in paragraph 3.10.

(1726) (iv) For a vessel of 300 tons gross tonnage or more that engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes, the radar must meet–

(1727) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(1728) (B) RTCM Recommended Standards for Marine Radar Equipment Installed on Ships of 300 Tons Gross Tonnage and Upwards, RTCM Paper 191-93/SC112-X, Version 1.2.

(1729) (v) A towing vessel with an existing radar must meet the applicable requirements of paragraphs (A)(1)(i) through (iv) of this section by August 2, 1998; except that a towing vessel with an existing radar must meet the display and stabilization requirements of paragraph (a)(1)(ii)(B) of this section by August 2, 2001.

(1730) (2) *Searchlight*. A searchlight, directable from the vessel's main steering station and capable of illuminating objects at a distance of at least two times the length of the tow.

(1731) (3) *VHF-FM Radio*. An installation or multiple installations of VHF-FM radios as prescribed by part 26 of this chapter and 47 CFR part 80, to maintain a continuous listening watch on the designated calling channel, VHF-FM Channel 13 (except on portions of the Lower Mississippi River, where VHF-FM Channel 67 is the designated calling channel), and to separately monitor the International Distress and Calling Channel, VHF-FM Channel 16, except when transmitting or receiving traffic on other VHF-FM channels or when participating in a Vessel Traffic Service (VTS) or monitoring a channel of a VTS. (Each U.S. towing vessel of 26 feet (about 8 meters) or more in length, except a public vessel, must hold a ship-radio-station license for radio transmitters (including radar and EPIRBs), and each operator must hold a restricted operator's license or higher. To get an application for either license, call (800) 418-FORM or (202) 418-FORM, or write to the FCC; Wireless Bureau, Licensing Division; 1270 Fairfield Road; Gettysburg, PA 17325-7245.)

(1732) (4) *Magnetic Compass*. Either–

(1733) (i) An illuminated swing-meter or an illuminated card-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(1734) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(1735) (5) *Echo Depth-Sounding Device*. By August 2, 2001, an echo depth-sounding device readable from the vessel's main steering station, unless the vessel engages in towing exclusively on Western Rivers.

(1736) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(1737) (b) Each towing vessel must carry on board and maintain the following:

(1756)

TABLE 164.72 – Equipment, Charts or Maps, and Publications of Towing Vessels for 12 Meters or More in Length

	Western Rivers	U.S. Navigable Waters (other than Western Rivers)	Waters seaward of Navigable Waters and 3 NM or more from shore on the Great Lakes
Marine Radar: Towing Vessels of less than 300 GT	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category II[1] Stabilization Category BRAVO	RTCM Paper 71-95/SC112-STD Version 1.1 Display Category I[2] Stabilization Category ALPHA
Towing Vessels of 300 GT or more	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azimuth stabilization requirement in paragraph 3.10)[1]	RTCM Paper 191-93/SC112-X Version 1.2[1]
Searchlight	X	X	X
VHF-FM Radio	X	X	X
Magnetic Compass	X[3]	X	X
Swing Meter	X[3]		
Echo Depth-sounding Device		X	X
Electronic Position Fixing Device			X
Charts or Maps	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Current edition or currently corrected edition	(1) Large enough scale (2) Currently corrected edition
General Publications	(1) U.S. Coast Guard Light List (2) Notices to Navigation or Local Notices to Mariners (3) River-current Tables	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot	(1) U.S. Coast Guard Light List (2) Local Notices to Mariners (3) Tidal-current Tables (4) Tide Tables (5) U.S. Coast Pilot

Notes:
[1] Towing vessels with existing radar must meet this requirement by August 2, 1998.
[2] Towing vessels with existing radar must meet this requirement by August 2, 1998 but do not need to meet the display and stabilization requirements until August 2, 2001.
[3] A towing vessel may carry either a swing-meter or a magnetic compass.

(1738) (1) *Charts or maps*. Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements.

(1739) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(1740) (ii) The charts or maps must be either–

(1741) (A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or

(1742) (B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(1743) (iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of the section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.

(1744) (2) *General publications*. A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:

(1745) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(1746) (A) U.S. Coast Guard Light List;

(1747) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(1748) (C) River-current tables published by the ACOE or a river authority, if available.

(1749) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(1750) (A) Coast Guard Light List;

(1751) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(1752) (C) Tidal-Current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority;

(1753) (D) Tide tables published by private entities using data provided by the NOS; and

(1754) (E) U.S. Coast Pilot.

(1755) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length:

(1757)

§164.74 Towline and terminal gear for towing astern.

(1758) (a) *Towline*. The owner, master, or operator of each vessel towing astern shall ensure that the strength of each towline is adequate for its intended service, considering at least the following factors:

(1759) (1) The size and material of each towline must be–

(1760) (i) Appropriate for the horsepower or bollard pull of the vessel;

(1761) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(1762) (iii) Appropriate for the sea conditions expected during the intended service;

(1763) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(1764) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(1765) (vi) Compatible with associated navigational-safety equipment; and

(1766) (vii) Appropriate for the likelihood of mechanical damage.

(1767) (2) Each towline as rigged must be–

(1768) (i) Free of knots;

(1769) (ii) Spliced with a thimble, or have a poured socket at its end; and

(1770) (iii) Free of wire clips except for temporary repair, for which the towline must have a thimble and either five wire clips or as many wire clips as the manufacturer specifies for the nominal diameter and construction of the towline, whichever is more.

(1771) (3) The condition of each towline must be monitored through the–

(1772) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 4268 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(1773) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03); or Cordage Institute CIA 3, Standard Test Methods;

(1774) (iii) Conducting visual inspections of the towline in accordance with the manufacturer's recommendations, or at least monthly, and whenever the serviceability of the towline is in doubt (the inspections being conducted by the owner, master, or operator, or by a person on whom the owner, master, or operator confers the responsibility to take corrective measures appropriate for the use of the towline);

(1775) (iv) Evaluating the serviceability of the whole towline or any part of the towline, and removing the whole or part from service either as recommended by the manufacturer or a class society authorized in §157.04 of this chapter or in accordance with a replacement schedule developed by the owner, master, or operator that accounts for at least the–

(1776) (A) Nautical miles on, or time in service of, the towline;

(1777) (B) Operating conditions experienced by the towline;

(1778) (C) History of loading of the towline;

(1779) (D) Surface condition, including corrosion and discoloration, of the towline;

(1780) (E) Amount of visible damage to the towline;

(1781) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(1782) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(1783) (v) Keeping on board the towing vessel or in company files of a record of the material condition of the towline when inspected under paragraphs (a)(3)(iii) and (iv) of this section. Once this record lapses for three months or more, except when a vessel is laid up or out of service or has not deployed its towline, the owner, master, or operator shall retest the towline or remove it from service.

(1784) (b) *Terminal gear*. The owner, master, or operator of each vessel towing astern shall ensure that the gear used to control, protect, and connect each towline meets the following criteria:

(1785) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(1786) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(1787) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(1788) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(1789) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(1790) (6) Except on board a vessel towing in ice on Western Rivers or one using a towline of synthetic or natural fiber, there is fitted a winch that evenly spools and tightly winds the towline; and

(1791) (7) If a winch is fitted, there is attached to the main drum a brake that has holding power appropriate for

the horsepower or bollard pull of the vessel and can be operated without power to the winch.

(1792)

§164.76 Towline and terminal gear for towing alongside and pushing ahead.

(1793) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(1794) (a) Are appropriate for the vessel's horsepower;

(1795) (b) Are appropriate for the arrangement of the tow;

(1796) (c) Are frequently inspected; and

(1797) (d) Remain serviceable.

(1798)

§164.78 Navigation under way: Towing vessels.

(1799) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(1800) (1) Understands the arrangement of the tow and the effects of maneuvering on the vessel towing and on the vessel, barge, or object being towed;

(1801) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(1802) (3) Does not fix the position of the vessel using buoys alone (Buoys are aids to navigation placed in approximate positions either to alert mariners to hazards to navigation or to indicate the orientation of a channel. They may not maintain exact charted positions, because strong or varying currents, heavy seas, ice and collisions with vessels can move or sink them or set them adrift. Although they may corroborate a position fixed by other means, they cannot fix a position; however, if no other aids are available, buoys alone may establish an estimated position.);

(1803) (4) Evaluates the danger of each closing visual or radar contact;

(1804) (5) Knows and applies the variation and deviation, where a magnetic compass is fitted and where charts or maps have enough detail to enable this type of correction;

(1805) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(1806) (7) Proceeds at a safe speed taking into account the weather, visibility, density of traffic, draft of tow, possibility of wake damage, speed and direction of the current, and local speed-limits; and

(1807) (8) Monitors the voyage plan required by §164.80.

(1808) (b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

(1809)

§164.80 Tests, inspections, and voyage planning.

(1810) (a) The owner, master, or operator of each towing vessel of less than 1,600 GT shall ensure that the following tests and inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(1811) (1) *Steering-systems*. A test of the steering-gear-control system; a test of the main steering gear from the alternative power supply, if installed; a verification of the rudder-angle indicator relative to the actual position of the rudder; and a visual inspection of the steering gear and its linkage.

(1812) (2) *Navigational equipment*. A test of all installed navigational equipment.

(1813) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(1814) (4) *Lights*. Operation of all navigational lights and all searchlights.

(1815) (5) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and the winch brake, if installed.

(1816) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(1817) (b) The owner, master, or operator of each towing vessel of 1,600 GT or more shall ensure that the following tests of equipment occur at the frequency required by §164.25 and that the following inspections of gear occur before the vessel embarks on a voyage of more than 24 hours or when each new master or operator assumes command:

(1818) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(1819) (2) *Terminal gear*. Visual inspection of tackle; of connections of bridle and towing pendant, if applicable; of chafing gear; and of the winch brake, if installed.

(1820) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(1821) (i) Used solely for any of the following services or any combination of these services–

(1822) (A) Within a limited geographic area, such as fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows:

(1823) (B) For harbor assist;

(1824) (C) For assistance towing as defined by 46 CFR 10.103;

(1825) (D) For response to emergency or pollution;

(1826) (ii) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(1827) (iii) A foreign vessel engaged in innocent passage; or

(1828) (iv) Exempted by the Captain of the Port (COTP).

(1829) (2) If you think your towing vessel should be exempt from these voyage planning requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request.

(1830) (3) If any part of a towing vessel's intended voyage is seaward of the baseline (i.e. the shoreward boundary)

of the territorial sea of the U.S.,then the owner, master, or operator of the vessel, employed to tow a barge or barges, must ensure that the voyage with the barge or barges is planned, taking into account all pertinent information before the vessel embarks on the voyage. The master must check the planned route for proximity to hazards before the voyage begins. During a voyage, if a decision is made to deviate substantially from the planned route, then the master or mate must plan the new route before deviating from the planned route. The voyage plan must follow company policy and consider the following (related requirements noted in parentheses):

(1831) (i) Applicable information from nautical charts and publication (also see paragraph (b) of section 164.72), including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners for the port of departures, all ports of call, and the destination;

(1832) (ii) Current and forecast weather, including visibility, wind, and sea state for the port of departure, all ports of call, and the destination (also see paragraphs (a)(7) of section 164.78 and (b) of section 164.82);

(1833) (iii) Data on tides and currents for the port of departure, all ports of call, and the destination, and the river staged and forecast, if appropriate;

(1834) (iv) Forward and after drafts of the barge or barges and under-keel and vertical clearances (air-gaps) for all bridges, ports, and berthing areas;

(1835) (v) Pre-departure checklists;

(1836) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(1837) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(1838) (viii) Any master's or operator's standing orders detailing closest points of approach, special conditions, and critical maneuvers; and

(1839) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

(1840)

§164.82 Maintenance, failure, and reporting.

(1841) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(1842) (b) *Failure*. If any of the navigational-safety equipment required by §164.72 fails during a voyage, the owner, master, or operator of the towing vessel shall exercise due diligence to repair it at the earliest practicable time. He or she shall enter its failure in the log or other record carried on board. The failure of equipment, in itself, does not constitute a violation of this rule; nor does it constitute unseaworthiness; nor does it obligate an owner, master, or operator to moor or anchor the vessel. However, the owner, master, or operator shall consider the state of the equipment-along with such factors as weather, visibility, traffic, and the dictates of good seamanship-in deciding whether it is safe for the vessel to proceed.

(1843) (c) *Reporting*. The owner, master, or operator of each towing vessel whose equipment is inoperative or otherwise impaired while the vessel is operating within a Vessel Traffic Service (VTS) Area shall report the fact as required by 33 CFR 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(1844) (1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyrocompass, echo depth-sounding or other sounding device, automatic dependent surveillance equipment, or navigational lighting;

(1845) (2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(1846) (3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(1847) (d) *Deviation and authorization*. The owner, master, or operator of each towing vessel unable to repair within 96 hours an inoperative marine radar required by §164.72(a) shall so notify the Captain of the Port (COTP) and shall seek from the COTP both a deviation from the requirements of this section and an authorization for continued operation in the area to be transited. Failure of redundant navigational-safety equipment, including but not limited to failure of one of two installed radars, where each satisfies §164.72(a), does not necessitate either a deviation or an authorization.

(1848) (1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(1849) (2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

(1850)

Part 165–Regulated Navigation Areas and Limited Access Areas

(1851)

Subpart A–General

(1852)

§165.1 Purpose of part.

(1853) The purpose of this part is to:

(1854) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(1855) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(1856) (c) Prescribe specific requirements for established areas; and

(1857) (d) List specific areas and their boundaries.

(1858)

§165.3 Definitions.

(1859) The following definitions apply to this part:

(1860) *Credential* means any or all of the following:

(1861) (1)Merchant mariner's document.

(1862) (2)Merchant mariner's license.

(1863) (3)STCW endorsement.

(1864) (4)Certificate of registry.

(1865) (5)Merchant mariner credential.

(1866) *Merchant mariner credential* or *MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

(1867)

§165.5 Establishment procedures.

(1868) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(1869) (b) Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as described in 33 CFR 3, and include the following:

(1870) (1) The name of the person submitting the request;

(1871) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(1872) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(1873) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(1874) (5) The nature of the restrictions or conditions desired; and

(1875) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(1876) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020.)

(1877) (c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

(1878)

§165.7 Notification.

(1879) (a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the Federal Register.

(1880) (b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(1881) (c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

(1882)

§165.8 Geographic coordinates.

(1883) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(1884)

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(1885) (a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(1886) (b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1887) (c) *Security zones*. These zones have two sources of authority–the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as emended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1888) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(1889)

Subpart B–Regulated Navigation Areas

(1890)

§165.10 Regulated navigation area.

(1891) A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

(1892)

§165.11 Vessel operating requirements (regulations).

(1893) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

(1894) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(1895) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(1896) (c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

(1897)

§165.13 General regulations.

(1898) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(1899) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

(1900)

Subpart C–Safety Zones

(1901)

§165.20 Safety zones.

(1902) A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

(1903)

§165.23 General regulations.

(1904) Unless otherwise provided in this part:

(1905) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(1906) (b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;

(1907) (c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and

(1908) (d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

(1909)

Subpart D–Security Zones

(1910)

§165.30 Security zones.

(1911) (a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

(1912) (b) The purpose of a security zone is to safeguard from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature:

(1913) (1) Vessels,

(1914) (2) Harbors,

(1915) (3) Ports and

(1916) (4) Waterfront facilities:

(1917) In the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

(1918)

§165.33 General regulations.

(1919) Unless otherwise provided in the special regulations in Subpart F of this part:

(1920) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(1921) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(1922) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(1923) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(1924) (e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(1925) (f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

(1926)

Subpart E–Restricted Waterfront Areas

(1927)

§165.40 Restricted Waterfront Areas.

(1928) The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in 33 CFR 125.09 when certain shipping activities are conducted that are outlined in 33 CFR 125.15.

(1929)

Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

(1930)

§165.T01–0214 Regulated Navigation Area; South Bristol Gut Bridge Replacement, South Bristol, ME.

(1931) (a) *Location*. The following area is a Regulated Navigation Area (RNA): All navigable waters of The Gut in South Bristol, ME, from surface to bottom, within a 300 yard radius of position 43°51'43"N, 069°33'30"W.

(1932) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.11 and 165.13 apply within the RNA.

(1933) (2) In accordance with the general regulations, entry into or movement within this RNA, during periods of enforcement, is prohibited unless authorized by the First District Commander or the Captain of the Port Sector Northern New England (COTP).

(1934) (3) Persons and vessels may request permission to enter the RNA during periods of enforcement by contacting the COTP or the COTP's on-scene representative on VHF-16 or via phone at 207–767–0303.

(1935) (4) During periods of enforcement, a speed limit of five knots will be in effect within the RNA and all vessels must proceed through the area with caution and operate in such a manner as to produce no wake unless a higher minimum speed is necessary to maintain steering.

(1936) (5) Vessels permitted to enter the RNA during periods of enforcement must comply with all directions given to them by the First District Commander, COTP, or the COTP's on-scene representative. The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; Maine State Police, Maine Marine Patrol or other designated craft; or may be on shore and communicating with vessels via VHF-FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(1937) (6) All other relevant regulations, including but not limited to the Inland Navigation Rules (33 CFR subchapter E) remain in effect within the regulated area and must be strictly followed at all times.

(1938) (c) *Effective and enforcement period*. This regulation is effective and enforceable 24 hours a day from 12:01 a.m. on September 19, 2014, until 11:59 p.m. on April 30, 2017.

(1939) (1) Prior to commencing or suspending enforcement of this regulation, the COTP will give notice by appropriate means to inform the affected segments of the public, to include dates and times. Such means of notification will include, but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, and other means described in 33 CFR 165.7.

(1940) (2) Violations of this RNA may be reported to the COTP at 207–767–0303 or on VHF-FM Channel 16.

(1941)

§165.T01–0215 Regulated Navigation Area; Bridge 1 Structural Repairs at Portsmouth Naval Shipyard, Kittery, ME.

(1942) (a) *Location*. The following area is a Regulated Navigation Area (RNA): All navigable waters of Piscataqua River between Kittery, ME and Seavey Island, ME, from surface to bottom, within a 300 yard radius of position 43°05′06″N, 070°44′29″W.

(1943) (b) *Regulations*. (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA.

(1944) (2) Any vessel transiting through the RNA must make a direct passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction. Movement within the RNA is subject to a "Slow-No Wake" speed limit. All vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain steering.

(1945) (3) There may be times that the First District Commander or the Captain of the Port (COTP) finds it necessary to close the RNA to vessel traffic. During times of limited closure, persons and vessels may request permission to enter the RNA by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 207–767–0303.

(1946) (4) Any vessels transiting in the RNA must comply with all directions given to them by the COTP or the COTP's on-scene representative. The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; Maine State Police, Maine Marine Patrol or other designated craft; or may be on shore and communicating with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(1947) (5) All other relevant regulations, including but not limited to the Inland Navigation Rules (33 CFR subchapter E), remain in effect within the RNA and must be strictly followed at all times.

(1948) (c) *Enforcement Period*. This regulation is enforceable 24 hours a day from 12:01 a.m. on October 1, 2014 until 11:59 p.m. on April 30, 2017.

(1949) (d) *Notification*. The Coast Guard will rely on the methods described in 33 CFR 165.7 to notify the public of the time and duration of any closure of the RNA. Violations of this RNA may be reported to the COTP at 207–767–0303 or on VHF-Channel 16.

(1950)

§165.T01–0554 Regulated Navigation Area; Sarah Mildred Long Bridge Replacement, Portsmouth, NH.

(1951) (a) *Location*. The following area is a Regulated Navigation Area (RNA): All navigable waters of the Piscataqua River between Portsmouth, NH and Kittery, ME, from surface to bottom, within a 300 yard radius of position 43°05'10"N, 070°45'38"W (NAD 83), center point of the existing Sarah Mildred Long Bridge.

(1952) (b) *Regulations*. (1) The general regulations contained in §§165.10, 165.11, and 165.13 apply within the RNA.

(1953) (2) Any vessel transiting through the RNA must make a direct passage. No vessel may stop, moor, anchor or loiter within the RNA at any time unless they are working on the bridge construction. Movement within the RNA is subject to a "Slow-No Wake" speed limit. All vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain bare steerageway.

(1954) (3) There may be times that the First District Commander or the Captain of the Port (COTP) finds it necessary to close the RNA to vessel traffic. All closures will be limited to specific hours of the day. Mariners will be advised of all closure dates and times via Local Notice to Mariners and Broadcast Notice to Mariners in advance of closure times. During times of limited closure, persons and vessels may request permission to enter the RNA by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 207–767–0303.

(1955) (4) Any vessels transiting in the RNA must comply with all directions given to them by the COTP or the COTP's on-scene representative. The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; or other designated craft; or on shore and communicating with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(1956) (5) All other relevant regulations, including but not limited to the Inland Navigation Rules (33 CFR subchapter E), remain in effect within the RNA and must be strictly followed at all times.

(1957) (c) *Enforcement period*. This regulation is enforceable 24 hours a day from 12:01 a.m. on December 31, 2014 until 11:59 p.m. on May 31, 2019.

(1958) (d) *Notification*. The Coast Guard will rely on the methods described in §165.7 to notify the public of the time and duration of any closure of the RNA. Violations of this RNA may be reported to the COTP at 207–767–0303 or on VHF-Channel 16.

(1959)

§165.T01–1037 Safety Zone: Eastport Breakwater Terminal, Eastport, Maine.

(1960) (a) *Location*. The following area is a safety zone: All navigable waters, from surface to bottom, within the following position(s) 44°54'26"N., 66°59′00"W., 44°54'25"N., 66°58'54"W., 44°54'19"N., 66°58'55"W, 44°54'19"N., 66°59'01"W. (NAD). Friar Roads, Eastport, Maine. All positions are approximate.

(1961) (b) *Enforcement period*. This rule will be enforced from 3:00 p.m. on December 11, 2014 to 11:59 p.m. January 30, 2017.

(1962) (c) *Notification*. Coast Guard Sector Northern New England will give actual notice to mariners for the purpose of enforcement of this temporary safety zone. Also, Sector Northern New England will notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this safety zone.

(1963) (d) *Regulations*. (1) The general regulations contained in §165.23 apply.

(1964) (2) In accordance with the general regulations in §165.23, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(1965) (3) The "designated representative" is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The designated representative may be on board a Coast Guard vessel, or on board a federal, state, or local agency vessel that is authorized to act in support of the Coast Guard.

(1966) (4) Upon being hailed by a U.S. Coast Guard vessel or his designated representatives by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(1967) (5) Vessel operators desiring to enter or operate within this safety zone shall contact the Captain of the Port or his designated representatives via VHF channel 16 to obtain permission to do so.

(1968)

§165.T01–1055 Security Zone, John Joseph Moakley United States Courthouse, Boston, MA.

(1969) (a) *Location*. This security zone encompasses all U.S. navigable waters, from surface to bottom, within five hundred (500) yards of the John Joseph Moakley United States Courthouse (Moakley Courthouse) in Boston, MA, and following any natural waterside seawall configuration enclosed by a line connecting the following points:

(1970) 42°21′15″N, 71°02′54″W; Bounded by the curvature of the seawall, thence to

(1971) 42°21′13″N, 71°02′27″W; thence to

(1972) 42°21′25″N, 71°02′17″W; thence to

(1973) 42°21′32″N, 71°02′54″W; Bounded by the curvature of the seawall, thence to

(1974) 42°21′18″N, 71°03′01″W; thence to point of origin.

(1975) (b) *Regulations*. While this security zone is being enforced, the following regulations, along with those contained in 33 CFR 165.33, apply:

(1976) (1) No person or vessel may enter or remain in this security zone without the permission of the Captain of the Port (COTP), Sector Boston. However, the COTP hereby grants vessels permission to enter this security zone as long as such vessels remain beyond one hundred (100) yards of the Moakley Courthouse and as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(1977) (2) Although vessels have permission to enter the security zone under the conditions mentioned in the preceding paragraph, no person or vessel may come within one hundred (100) yards of the Moakley Courthouse under any conditions unless given express permission from the COTP or the COTP's designated representatives.

(1978) (3) Any person or vessel permitted to enter the security zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the security zone shall exit the zone when directed by the COTP or the COTP's representatives.

(1979) (4) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617–223–5757 (Sector Boston Command Center) to obtain permission.

(1980) (5) Penalties. Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

(1981) (c) *Effective and Enforcement Period*. This rule is effective and will be enforced with actual notice starting 12:01 a.m. on Monday, January 5, 2015 to 11:59 p.m. December 31, 2015.

(1982) (d) *Notification*. Coast Guard Sector Boston will give actual notice to mariners for the purpose of enforcement of this temporary security zone. Also, Sector Boston will notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this security zone.

(1983) (e) *COTP Representative*. The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a state or local law enforcement vessel, or a location on shore.

(1984)

§165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(1985) (a) *Regulated navigation area*. All navigable waters of the United States, as that term is used in 33 CFR 2.36, within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(1986) (b) *Definitions*. Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(1987) (c) *Applicability*. This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District commander.

(1988) (d) *Regulations*–(1) *Positive control for barges*. (i) Except as provided in paragraph (d)(1)(iii) and paragraph 5 of this section, each single hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of–

(1989) (A) A propulsion failure;

(1990) (B) A parted towing line;

(1991) (C) A loss of tow;

(1992) (D) A fire;

(1993) (E) Grounding;

(1994) (F) A loss of steering; or

(1995) (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this Chapter.

(1996) (ii) Double–hull tank barges are exempt from paragraph (d)(1)(i) of this section

(1997) (iii) The cognizant Captain of the Port (COTP) upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for–

(1998) (A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(1999) (B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(2000) (iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2001) (2) *Enhanced communications*. Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(2002) (i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).

(2003) (ii) Matinecock Point Shoal Lighted Gong Buoy 21 (LLNR 21420).

(2004) (iii) 32A Buoy (LLNR 21380).

(2005) (iv) Cable and Anchor Reef Lighted Bell Buoy 28C (LLNR 21330).

(2006) (v) Stratford Shoal (Middle Ground) Light (LLNR 21260).

(2007) (vi) Old Field Point Light (LLNR 21275).

(2008) (vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(2009) (viii) Falkner Island Light (LLNR 21170).

(2010) (ix) TE Buoy (LLNR 21160).

(2011) (x) PI Buoy (LLNR 21080).

(2012) (xi) Race Rock Light (LLNR 19815).

(2013) (xii) Valiant Rock Lighted Whistle Buoy 11 (LLNR 19825).

(2014) (xiii) Approach to Point Judith in vicinity of Block Island ferry route.

(2015) (xiv) Buzzards Bay Entrance Light (LLNR 630).

(2016) (xv) Buzzards Bay Midchannel Lighted Buoy BB (LLNR 16055).

(2017) (xvi) Cleveland East Ledge Light (LLNR 16080).

(2018) (xvii) Hog Island Channel Lighted Buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(2019) (xviii) Approach to the Bourne Bridge.

(2020) (xix) Approach to the Sagamore Bridge.

(2021) (xx) Approach to the eastern entrance of Cape Cod Canal.

(2022) (3) *Voyage planning*. (i) Each owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each transit of the tank barge.

(2023) (ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(2024) (iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(2025) (A) A description of the type, volume, and grade of cargo.

(2026) (B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice of Mariners, for the destination(s).

(2027) (C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(2028) (D) Data on tides and tidal currents for the destination(s).

(2029) (E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(2030) (F) Pre-departure checklists.

(2031) (G) Calculated speed and estimated times of arrival at proposed waypoints.

(2032) (H) Communication contacts at Vessel Traffic Service (VTS) (If applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(2033) (I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(2034) (iv) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(2035) (A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(2036) (B) Current weather conditions including visibility, wind, and sea state. This information may be entered in either the voyage plan or towing vessel's log book.

(2037) (C) The channels of VHF radio to monitor.

(2038) (D) Other considerations such as availability of pilot, assist tug, berth and line-handlers, depth of berth at mean low water, danger areas, and securité calls

(2039) (4) *Navigation restriction areas*. Unless authorized by the cognizant COTP, no tank barge may operate in–

(2040) (i) The waters of Cape Cod Bay south of latitude 42°05' North and east of longitude 70°25' West; or

(2041) (ii) The waters of Fishers Island Sound east of longitude 72°02' West, and west of longitude 71°55' West.

(2042) (5) *Special Buzzards Bay regulations*. (i) For the purposes of this section, "Buzzards Bay" is the body of water east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position 41°27.2'N., 70°11.7'W., to the Buzzards Bay Entrance Light in approximate position 41°23.5'N., 71°02.0'W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position 41°24.6'N., 70°57.0'W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north) of the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".

(2043) (ii) *Additional Positive Control for Barges*. Except as provided in paragraph (d)(1)(iii) of this section, each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must, in addition to its primary tug, be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of–

(2044) (A) A propulsion failure;

(2045) (B) A parted tow line;

(2046) (C) A loss of tow;

(2047) (D) A fire;

(2048) (E) Grounding;

(2049) (F) A loss of steering; or

(2050) (G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this subchapter.

(2051) (iii) *Federal Pilotage*. Each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must be under the direction and control of a pilot, who is not a member of the crew, operating under a valid, appropriately endorsed, Federal first class pilot's license issued by the Coast

Guard ("federally licensed pilot"). Pilots are required to embark, direct, and control from the primary tug during transits of Buzzards Bay.

(2052) (iv) In addition to the vessels denoted in §161.16 of this chapter, requirements set forth in subpart B of Part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

(2053) (A) A VMRS Buzzards Bay user must:

(2054) (1) Not enter or get underway in the area without first notifying the VMRS Center;

(2055) (2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per §161.2 of this Subchapter exists:

(2056) (3) If towing astern, do so with as short a hawser as safety and good seamanship permits;

(2057) (4) Not meet, cross, or overtake any other VMRS user in the area without first notifying the VMRS center;

(2058) (5) Before meeting, crossing, or overtaking any other VMRS user in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the Navigation Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)).

(2059) (B) [Reserved]

(2060) (e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105-383.

(2061)

§165.101 Kittery, Maine–regulated navigation area.

(2062) (a) The following is a regulated navigation area–Waters within the boundaries of a line beginning at

(2063) 43°04'50"N., 70°44'52"W.; then to

(2064) 43°04'52"N., 70°44'53"W.; then to

(2065) 43°04'59"N., 70°44'46"W.; then to

(2066) 43°05'05"N., 70°44'32"W.; then to

(2067) 43°05'03"N., 70°44'30"W.; then to the beginning point.

(2068) (b) *Regulations*–No vessel may operate in this area at a speed in excess of five miles per hour.

(2069)

§165.102 Security Zone; Walkers Point, Kennebunkport ME.

(2070) (a) *Location*. The following area is a security zone: From point of land located on Cape Arundel at 43°20.4'N., 70°28.0'W.; thence to a point approximately 500 yards southwest of Walkers Point located at 43°20.2'N., 70°27.9'W.; thence to a point located approximately 500 yards south of Walkers Point at 43°20.1'N., 70°27.6'W.; thence to a point located approximately southeast of Walkers Point at 43°20.4'N., 70°27.2'W.; thence to an unnamed point of land located at 43°20.9'N., 70°27.1'W.; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(2071) (b) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. §165.33 also contained other general requirements.

(2072) (2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

(2073)

§165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.

(2074) (a) *Location*. The following areas are safety and security zones: (1) Except as provided in paragraph (a)(2) of this section, all navigable waters of the Portland, Maine, Captain of the Port zone, as defined in 33 CFR 3.05–15, one mile ahead, one half mile astern, and 1000-yards on either side of any Liquefied Petroleum Gas vessel.

(2075) (2) All waters of the Piscataqua River within a 500-yard radius of any Liquefied Petroleum Gas (LPG) vessel while it is moored at the LPG receiving facility on the Piscataqua River, Newington, New Hampshire.

(2076) (b) *Definitions*. For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(2077) (c) *Regulations*. (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Captain of the Port (COTP), Portland, Maine.

(2078) (2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the Captain of the Port.

(2079) (3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Portland, Maine or his authorized patrol representative.

(2080) (d) The Captain of the Port will notify the maritime community and local agencies of periods during which these safety and security zones will be in effect by providing notice of arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

(2081)

§165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.

(2082) (a) *Definition*. "Passenger vessel" as used in this section means a passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or pay a port call, in the Portland, Maine, Captain of the Port zone as delineated in 33 CFR 3.05-15.

(2083) (b) *Location*. The following areas are security zones:

(2084) (1) All navigable waters within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, within a 100-yard radius of any passenger vessel that is anchored, moored, or in the process of mooring.

(2085) (2) All navigable waters, within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards aside and astern of any passenger vessel that is underway.

(2086) (c) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Coast Guard Captain of the Port, Portland, Maine (COTP) or his designated representative.

(2087) (2) All persons and vessels must comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative.

(2088) (3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(2089) (d) *Enforcement*. The Captain of the Port will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, municipal, or private agency to assist in the enforcement of the regulation.

(2090)

§165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.

(2091) (a) *Definitions*. As used in this section-

(2092) *Authorized representative* means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port (COTP) Boston.

(2093) *Deepwater port* means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

(2094) *Support vessel* means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(2095) (b) *Location*. The following areas are safety and security zones:

(2096) (1) *Vessels underway*. All navigable waters of the United States within the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05–10, two miles ahead and one mile astern, and 500 yards on each side of any liquefied natural gas carrier (LNGC) vessel while underway.

(2097) (2) *Vessels anchored in Broad Sound*. All waters within a 500-yard radius of any anchored LNGC vessel located in the waters of Broad Sound bounded by a line starting at position 42°25'N., 070°58'W.; then running southeast to 42°22'N., 070°56'W.; then running east to 42°22'N., 070°50'W.; then running north to 42°25'N., 070°50'W.; then running west back to the starting point (NAD 83).

(2098) (3) *Vessels moored at the Distrigas LNG facility*. All waters within a 400-yard radius of any LNGC vessel moored at the Distrigas LNG facility in Everett, MA.

(2099) (4) *Vessels calling on a deepwater port*. All waters within a 500-meter radius of any LNGC engaged in regasification or transfer, or otherwise moored, anchored, or affixed to a deepwater port listed in 33 CFR 150.490 and falling within the waters of the Boston COTP Zone, as defined in 33 CFR 3.05–10.

(2100) (c) *Regulations*.

(2101) (1) In accordance with the general regulations in 165.23 and 165.33 of this chapter, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston, or his authorized representative.

(2102) (2) No person or vessel may enter the waters within the boundaries of the safety and security zones described in paragraph (b) of this section unless previously authorized by the COTP Boston, or his/her authorized representative. However, LNGCs and support vessels, as defined in 33 CFR 148.5, operating in the vicinity of NEGDWP are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(2103) (3) All vessels operating within the safety and security zones described in paragraph (b) of this section must comply with the instructions of the COTP or his/her authorized representative.

(2104)

§165.111 Safety Zone: Boston Harbor; Boston, Massachusetts.

(2105) (a) The following areas are established as safety zones during the conditions specified:

(2106) (1) Around the U.S.S. *Constitution* or any accompanying parade vessels when *Constitution* is underway-300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time

such vessels depart their respective berths until the time they complete their transit and are safely moored.

(2107) (2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard-the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending inbound along the face of both piers to the landside points where both piers end.

(2108) (3) Around the U.S.S. *Constitution*-fifty yards in all directions in the waters around Constitution when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(2109) (b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

(2110)

§165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.

(2111) (a) *Location*. The following area is a safety zone:

(2112) (1) Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(2113) (b) *Regulations*. The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

(2114)

§165.114 Safety and Security Zones: Escorted Vessels–Boston Harbor, Massachusetts.

(2115) (a) *Location*. The following waters within the Boston Captain of the Port Zone, 1000 yards ahead and astern, and 100 yards on each side of any designated escorted vessel, are established as safety and security zones: All waters of Boston Inner Harbor, including the waters of the Mystic River, Chelsea River, and Reserved Channel west of a line running from Deer Island Light, at position 42°20'25"N., 070°57'15"W., and west of the Long Island Bridge, running from Long Island to Moon Head.

(2116) (b) *Escorted vessel defined*. For the purposes of this section, escorted vessels operating in Boston Harbor include the following: Any vessels deemed to be in need of escort protection by the Captain of the Port, Boston for security reasons or under other circumstances.

(2117) (c) *Regulations*.

(2118) (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Boston.

(2119) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(2120)

§165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(2121) (a) *Location*. All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position

(2122) 41°56'59.3"N., 070°34'58.5"W.; thence to

(2123) 41°57'12.2"N., 070°34'41.9"W.; thence to

(2124) 41°56'42.3"N., 070°34'00.1"W.; thence to

(2125) 41°56'29.5"N., 070°34'14.5"W.

(2126) (b) *Regulations*.

(2127) (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port, Boston.

(2128) (2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(2129) (3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

(2130)

§165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.

(2131) (a) *Location*. The following areas are permanent safety and security zones:

(2132) (1) *Reserved Channel, Boston Harbor*. All waters of Boston Harbor within one hundred fifty (150) yards off the bow and stern and one hundred (100) yards abeam of any vessel moored at the Massachusetts Port Authority Black Falcon Terminal;

(2133) (2) *Boston Inner Harbor*. All waters of Boston Harbor within one hundred (100) feet of the Coast Guard Integrated Support Command (ISC) Boston piers and;

(2134) (3) *Salem Harbor*. All waters of Salem Harbor within a two-hundred and fifty (250) yard radius of the center point of the PG & E Power Plant Terminal Wharf, Salem, MA, located at 42°31.33'N., 070°52.67'W., when a vessel is moored at this pier. All coordinates are North American Datum 1983.

(2135) (b) *Regulations*.

(2136) (1) In accordance with the general regulations in §165.23 and §165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port, Boston.

(2137) (2) All vessel operators shall comply with the instructions of the Captain of the Port or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned,

warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(2138) (3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

(2139)

§165.117 Regulated Navigation Areas, Safety and Security Zones: Deepwater Ports, First Coast Guard District.

(2140) (a) *Location*. (1) *Regulated navigation areas*. All waters within a 1,000 meter radius of the geographical positions set forth in paragraph (a)(3) of this section are designated as regulated navigation areas.

(2141) (2) *Safety and security zones*. All waters within a 500-meter radius of the geographic positions set forth in paragraph (a)(3) of this section are designated as safety and security zones.

(2142) (3) *Coordinates*. (i) The geographic coordinates forming the loci for the regulated navigation areas, safety and security zones for the Northeast Gateway Deepwater Port are: 42°23′38″N., 070°35′31″W.; and 42°23′56″N., 070°37′00″W. (NAD 83).

(2143) (ii) The geographic coordinates forming the loci for the regulated navigation areas, safety, and security zones for Neptune Deepwater Port are: 42°29′12.3″N., 70°36′29.7″W.; and 42°27′20.5″N., 70°36′07.3″W. (NAD 83).

(2144) (iii) [Reserved]

(2145) (b) *Definitions*. As used in this section–

(2146) *Authorized representative* means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port (COTP) Boston.

(2147) *Deepwater port* means any facility or structure meeting the definition of deepwater port 33 CFR 148.5.

(2148) *Dredge* means fishing gear consisting of a mouth frame attached to a holding bag constructed of metal rings or mesh.

(2149) *Support vessel* means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(2150) *Trap* means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats used for fishing. Also called a pot.

(2151) (c) *Applicability*. This section applies to all vessels operating in the regulated navigation areas set forth in paragraph (a) of this section, except–

(2152) (1) Those vessels conducting cargo transfer operations with the deepwater ports whose coordinates are provided in paragraph (a)(3) of this section.

(2153) (2) Support vessels operating in conjunction therewith, and

(2154) (3) Coast Guard vessels or other law enforcement vessels operated by or under the direction of an authorized representative of the COTP Boston.

(2155) (d) *Regulations*. (1) No vessel may anchor, engage in diving operations, or commercial fishing using nets, dredges, traps (pots), or use of remotely operated vehicles (ROVs) in the regulated navigation areas set forth in paragraph (a)(1) of this section.

(2156) (2) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within the safety and security zones designated in paragraph (a)(2) of this section is prohibited unless authorized by the COTP Boston, or his/her authorized representative.

(2157) (3) Notwithstanding paragraph (d)(2) of this section, tankers and support vessels, as defined in 33 CFR 148.5, operating in the vicinity of NEGDWP are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(2158) (4) All vessels operating within the safety and security zones described in paragraph (a)(2) of this section must comply with the instructions of the COTP or his/her authorized representative.

(2159)

§ 165.120 Security Zone, John Joseph Moakley United States Courthouse, Boston, MA.

(2160) (a) *Location*. This security zone encompasses all U.S. navigable waters, from surface to bottom, within five hundred (500) yards of the John Joseph Moakley United States Courthouse (Moakley Courthouse) in Boston, MA, and following any natural waterside seawall configuration.

(2161) (b) *Regulations*. While this security zone is being enforced, the following regulations, along with those contained in 33 CFR 165.33, apply:

(2162) (1) No person or vessel may enter or remain in this security zone without the permission of the Captain of the Port (COTP), Sector Boston. However, the COTP hereby grants vessels permission to enter this security zone as long as such vessels proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules as published in 33 CFR part 83 and remain beyond one hundred (100) yards of the Moakley Courthouse in Boston, MA, following any natural waterside seawall configuration enclosed by a line connecting the following points:

(2163)

Latitude	Longitude
42°21'15"N.	71°02'54"W.; Bounded by the curvature of the seawall, thence to
42°21'18"N.	71°02'43"W.; thence to
42°21'20"N.	71°02'40"W.; Bounded by 100 yards off the curvature of the seawall, thence to
42°21'16"N.	71°02'57"W.; thence to point of origin.

(2164) (2) Although vessels have permission to enter the five hundred (500) yards security zone under the conditions mentioned in the preceding paragraph, no person or vessel may come within one hundred (100) yards of the Moakley Courthouse under any conditions unless given express permission from the COTP or the COTP's designated representatives.

(2165) (3) Any person or vessel permitted to enter the security zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the security zone shall exit the zone when directed by the COTP or the COTP's representatives.

(2166) (4) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617–223–5757 (Sector Boston Command Center) to obtain permission.

(2167) (5) *Penalties*. Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

(2168) (c) *Effective and enforcement period*. This security zone is in effect permanently but will only be enforced when deemed necessary by the COTP. Anyone, including members of federal, state or local law enforcement agencies, may request that this security zone be enforced.

(2169) (d) *Notification*. The COTP will notify the public of the enforcement of this security zone by publishing a Notice of Enforcement (NOE) in the **Federal Register** and via the other means listed in 33 CFR 165.7. Such notifications will include the date and times of enforcement, along with any predetermined conditions of entry.

(2170) (e) *COTP representative*. The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, federal, state or local law enforcement or safety vessel, or a location on shore.

(2171)

§165.123 Cruise Ships, Sector Southeastern New England Captain of the Port (COTP) Zone.

(2172) (a) *Location*. The following areas are security zones: All navigable waters within the Southeastern New England Captain of the Port (COTP) Zone, extending from the surface to the sea floor:

(2173) (1) Within a 200-yard radius of any cruise ship that is underway and is under escort of U.S. Coast Guard law enforcement personnel or designated representative, or

(2174) (2) Within a 100-yard radius of any cruise ship that is anchored, at any berth or moored.

(2175) (b) *Definitions*. For the purposes of this section—

(2176) *Cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101(22), that is authorized to carry more than 400 passengers and is 200 or more feet in length. A cruise ship under this section will also include ferries as defined in 46 CFR 2.10–25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

(2177) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP's behalf. The designated representative may be on a Coast Guard vessel, or onboard Federal, state, or a local agency vessel that is authorized to act in support of the Coast Guard.

(2178) *Southeastern New England COTP Zone* is as defined in 33 CFR 3.05–20.

(2179) (c) *Enforcement*. The security zones described in this section will be activated and enforced upon entry of any cruise ship into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the Southeastern New England COTP zone. This zone will remain activated at all times while a cruise ship is within the navigable waters of the United States in the Sector Southeastern New England COTP Zone. In addition, the Coast Guard may broadcast the area designated as a security zone for the duration of the enforcement period via Broadcast Notice to Mariners.

(2180) (d) *Regulations*. (1) In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or move within the security zones created by this section unless granted permission to do so by the COTP Southeastern New England or the designated representative.

(2181) (2) All persons and vessels granted permission to enter a security zone must comply with the instructions of the COTP or the designated representative. Emergency response vessels are authorized to move within the zone, but must abide by the restrictions imposed by the COTP or the designated representative.

(2182) (3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(2183) (4) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(2184) (5) Vessel operators desiring to enter or operate within the security zone shall contact the COTP or the designated representative via VHF channel 16 or 508–457–3211 (Sector Southeastern New England command center) to obtain permission to do so.

(2185)

§165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(2186) (a) *Location*. The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19"N., 70°27'09"W.,

(NAD 1983) and extending from the water's surface to the seabed floor.

(2187) (b) *Effective date*. This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(2188) (c) *Regulations*.

(2189) (1) The general regulations contained in33 CFR 165.23 apply.

(2190) (2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(2191) (3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2192)

Subpart G–Protection of Naval Vessels

(2193)

§165.2010 Purpose.

(2194) This subpart establishes the geographic parameters of naval vessel protection zones surrounding U.S. naval vessels in the navigable waters of the United States. This subpart also establishes when the U.S. Navy will take enforcement action in accordance with the statutory guideline of 14 U.S.C. 91. Nothing in the rules and regulations contained in this subpart shall relieve any vessel, including U.S. naval vessels, from the observance of the Navigation Rules. The rules and regulations contained in this subpart supplement, but do not replace or supercede, any other regulation pertaining to the safety or security of U.S. naval vessels.

(2195)

§165.2015 Definitions.

(2196) The following definitions apply to this subpart:

(2197) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(2198) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(2199) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(2200) *Naval vessel protection zone* is a 500-yard regulated area of water surrounding large U.S. naval vessels that is necessary to provide for the safety or security of these U.S. naval vessels.

(2201) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(2202) *Navigation rules* means the Navigation Rules, International-Inland.

(2203) *Official patrol* means those personnel designated and supervised by a senior naval officer present in command and tasked to monitor a naval vessel protection zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone, and take other actions authorized by the U.S. Navy.

(2204) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(2205) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(2206) *Senior naval officer present in command* is, unless otherwise designated by competent authority, the senior line officer of the U.S. Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of Navy in the area.

(2207) *U.S. naval vessel* means any vessel owned, operated, chartered, or leased by the U.S. Navy; any pre-commissioned vessel under construction for the U.S. Navy, once launched into the water; and any vessel under the operational control of the U.S. Navy or a Combatant Command.

(2208) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, except U.S. Coast Guard or U.S. naval vessels.

(2209)

§165.2020 Enforcement authority.

(2210) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(2211) (b) *Senior naval officer present in command*. In the navigable waters of the United States, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to exercise effective control in the vicinity of large U.S. naval vessels, the senior naval officer present in command is responsible for the enforcement of the rules and regulations contained in this subpart to ensure the safety and security of all large naval vessels present. In meeting this responsibility, the senior naval officer present in command may directly assist any Coast Guard enforcement personnel who are present.

(2212)

§165.2025 Atlantic Area.

(2213) (a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(2214) **Note to§165.2025 paragraph (a):** The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(2215) (b) A naval vessel protection zone exists around U.S. naval vessels greater than 100 feet in length overall at all times in the navigable waters of the United States, whether the large U.S. naval vessel is underway,

anchored, moored, or within a floating dry dock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(2216) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(2217) (d) When within a naval vessel protection zone, all vessels shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and shall proceed as directed by the Coast Guard, the senior naval officer present in command, or the official patrol. When within a naval vessel protection zone, no vessel or person is allowed within 100 yards of a large U.S. naval vessel unless authorized by the Coast Guard, the senior naval officer present in command, or official patrol.

(2218) (e) To request authorization to operate within 100 yards of a large U.S. naval vessel, contact the Coast Guard, the senior naval officer present in command, or the official patrol on VHF-FM channel 16.

(2219) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(2220) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2221) (2) Permit vessels constrained by their navigational draft or restricted in their ability to maneuver to pass within 100 yards of a large U.S. naval vessel in order to ensure a safe passage in accordance with the Navigation Rules; and

(2222) (3) Permit commercial vessels anchored in a designated anchorage area to remain at anchor when within 100 yards of passing large U.S. naval vessels; and

(2223) (4) Permit vessels that must transit via a navigable channel or waterway to pass within 100 yards of a moored or anchored large U.S. naval vessel with minimal delay consistent with security.

(2224) **Note to §165.2025 paragraph (f):** The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

(2225)

Part 167–Offshore Traffic Separation Schemes

(2226)

Subpart A-General

(2227)

§167.1 Purpose.

(2228) The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

(2229)

§167.3 Geographic coordinates.

(2230) Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

(2231)

§167.5 Definitions.

(2232) (a) *Area to be avoided* means a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships.

(2233) (b) *Traffic separation scheme (TSS)* means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

(2234) (c) *Traffic lane* means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(2235) (d) *Separation zone or line* means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(2236) (e) *Precautionary area* means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

(2237) (f) *Deep-water route* means an internationally recognized routing measure primarily intended for use by ships that, because of their draft in relation to the available depth of water in the area concerned, require the use of such a route.

(2238) (g) *Two-way route* means a route within defined limits inside which two-way traffic is established, aimed at providing safe passage of ships through waters where navigation is difficult or dangerous.

(2239)

§167.10 Operating rules.

(2240) The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

(2241)

§167.15 Modification of schemes.

(2242) (a) A traffic separation scheme or precautionary area described in this part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(2243) (b) A traffic separation scheme or precautionary area in this part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form

of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the Federal Register Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

(2244)

Subpart B-Description of Traffic Separation Schemes and Precautionary Areas

(2245)

§167.50 In the approaches to Portland, ME: General.

(2246) The traffic separation scheme in the approaches to Portland, ME, consists of three parts: A precautionary area, an Eastern approach and a Southern approach. The specific areas in the traffic separation scheme in the approaches to Portland, ME, are described in §§167.51 through 167.53.

(2247)

§ 167.51 In the approaches to Portland, ME: Precautionary area.

(2248) A precautionary area is established with a radius of 5.45 miles centered upon geographical position 43°31.60'N., 70°05.53'W., the areas within separation zones and traffic lanes excluded.

(2249)

§167.52 In the approaches to Portland, ME: Eastern approach.

(2250) (a) A separation zone 1 mile wide is established and is centered upon the following geographical positions:

(2251) 43°30.18'N., 69°59.17'W.

(2252) 43°24.28'N., 69°32.70'W.

(2253) (b) A traffic lane ½ miles wide is established on each side of the separation zone.

(2254)

§167.53 In the approaches to Portland, ME: Southern approach.

(2255) (a) A separation zone 1 mile wide is established and is centered upon the following geographical positions:

(2256) 43°27.00'N., 70°03.48'W.

(2257) 43°07.82'N., 69°54.95'W.

(2258) (b) A traffic lane 1½ mile wide is established on each side of the separation zone.

(2259)

§167.75 In the approach to Boston, MA: General.

(2260) The traffic separation scheme (TSS) in the approach to Boston, MA, consists of three parts: Two precautionary areas and a TSS. The specific areas in the TSS in the approach to Boston, MA, are described in §§167.76 and 167.77. The geographic coordinates in §§167.76 and 167.77 are defined using North American Datum 1983 (NAD 83), which is equivalent to WGS 1984 datum.

(2261)

§167.76 In the approach to Boston, MA: Precautionary areas.

(2262) (a) A precautionary area is established with a radius of 6.17 nautical miles centered upon geographical position 42°22.71'N., 70°46.97'W.

(2263) (b) (1) A precautionary area is established and is bounded to the east by a circle of radius 15.5 miles, centered upon geographical position 40°35.01'N., 68°59.96'W., intersected by the traffic separation schemes in the approach to Boston, MA, and Eastern approach, off Nantucket (part II of the TSS off New York) at the following geographical positions:

(2264) 40°50.47'N., 68°58.67'W.

(2265) 40°23.75'N., 69°13.95'W.

(2266) (2) The precautionary area is bounded to the west by a line connecting the two TSSs between the following geographical positions:

(2267) 40°48.03'N., 69°02.95'W.

(2268) 40°36.76'N., 69°15.13'W.

(2269)

§167.77 In the approach to Boston, MA: Traffic Separation Scheme.

(2270) (a) A separation zone 1 mile wide is established and is centered upon the following geographic positions:

(2271) 42°20.73'N., 70°39.06'W.

(2272) 42°18.28'N., 70°01.14'W.

(2273) 40°49.25'N., 69°00.81'W.

(2274) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

(2275) 40°50.47'N., 68°58.67'W.

(2276) 42°20.17'N., 69°59.40'W.

(2277) 42°22.71'N., 70°38.62'W.

(2278) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

(2279) 42°18.82'N., 70°40.49'W.

(2280) 42°16.39'N., 70°02.88'W.

(2281) 40°48.03N., 69°02.95'W.

(2282)

Part 169–ShipReporting Systems

(2283)

Subpart A–General

(2284)

§169.1 What is the purpose of this subpart?

(2285) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange

information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, maritime security and domain awareness, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

(2286)

§169.5 How are terms used in this part defined?

(2287) As used in this part-

(2288) *Administration* means the Government of the State whose flag the ship is entitled to fly.

(2289) *Cargo ship* means any ship which is not a passenger ship.

(2290) *Flag Administration* means the Government of a State whose flag the ship is entitled to fly.

(2291) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969 (Incorporated by reference, see §169.15).

(2292) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(2293) *High speed craft* means a craft that is operable on or above the water and is capable of a maximum speed equal to or exceeding V=3.7xdispl.1667, where "V" is the maximum speed and "displ" is the vessel displacement corresponding to the design waterline in cubic meters.

(2294) *High speed passenger craft* means a high speed craft carrying more than 12 passengers.

(2295) *International voyage* means a voyage from a country to which the present International Convention for the Safety of Life at Sea (SOLAS), 1974 applies to a port outside such country, or conversely. For U.S. ships, such voyages will be considered to originate at a port in the United States, regardless of when the voyage actually began. Such voyages for U.S. ships will continue until the ship returns to the United States from its last foreign port.

(2296) *Long range identification and tracking (LRIT) information or position report* means report containing the following information:

(2297) (1) The identity of the ship;

(2298) (2) The position of the ship (latitude and longitude); and

(2299) (3) The date and time of the position provided.

(2300) *LRIT Data Center* means a center established by a SOLAS Contracting Government or a group of Contracting Governments, or in the case of International Data Center, by IMO, to request, receive, process, and archive LRIT information. An LRIT Data Center may be National, Regional, Co-operative or International.

(2301) *Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8-1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

(2302) *Mobile offshore drilling unit* means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(2303) *Passenger ship* means a ship that carries more than 12 passengers.

(2304) *Self-propelled ships* means ships propelled by mechanical means.

(2305) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatary ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

(2306) *United States* means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(2307)

§169.10 What geographic coordinates are used?

(2308) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(2309)

§169.15 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(2310) (a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to *http://archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Navigation Systems (CG–5532), 2100 2nd St. SW., Stop 7580, Washington, DC 20593–7580, and is available from the sources indicated in this section.

(2311) (b) *International Electrotechnical Commission (IEC) Bureau Central de la Commission Electrotechnique Internationale,* 3 rue de Varembé, P.O. Box 131, 1211 Geneva 20, Switzerland.

(2312) (1) IEC 60945, Fourth edition 2002-08, Maritime navigation and radiocommunication equipment and systems–General requirements–Methods of testing and required test results, incorporation by reference approved for §169.215.

(2313) (2) [Reserved]

(2314) (c) *International Maritime Organization (IMO),* 4 Albert Embankment, London SE1 7SR, U.K.

(2315) (1) IMO Resolution MSC.202(81), adopted on May 19, 2006, Adoption of Amendments to the International Convention for the Safety of Life at Sea, 1974, as Amended, incorporation by reference approved for §169.240.

(2316) (2) IMO Resolution MSC. 210(81), adopted on May 19, 2006, Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(2317) (3) IMO Resolution MSC.254(83), adopted on October 12, 2007, Adoption of Amendments to the Performance Standards and Functional Requirements for the Long-Range Identification and Tracking of Ships, incorporation by reference approved for §§169.215 and 169.240.

(2318) (4) IMO Resolution A.694(17), adopted on November 6, 1991, General Requirements for Shipborne Radio Equipment Forming Part of the Global Maritime Distress and Safety System (GMDSS) and for Electronic Navigational Aids, incorporation by reference approved for §165.215.

(2319) (5) International Convention on Tonnage Measurement of Ships, 1969, incorporation by reference approved for §169.5.

(2320)

Subpart B–Establishment of Two Mandatory Ship Reporting Systems for the Protection of Northern Right Whales

(2321)

§169.100 What mandatory ship reporting systems are established by this subpart?

(2322) This subpart prescribes requirements for the establishment and maintenance of two mandatory ship reporting systems for the protection of the endangered northern right whale (also known as the North Atlantic right whale). These two systems are designated for certain areas of the East Coast of the United States. One system is located in the northeast and is identified as WHALESNORTH. The other system is located in the southeast and is identified as WHALESSOUTH.

(2323) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning northern right whale approach limitations and avoidance procedures.

(2324)

§169.102 Who is the shore-based authority?

(2325) The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

(2326)

§169.105 Where is the northeastern reporting system located?

(2327) Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at

(2328) 42°39'N, 70°37'W; then northeast to

(2329) 42°45'N, 70°13'W; then southeast to

(2330) 42°10'N, 68°31'W; then south to

(2331) 41°00'N, 68°31'W; then west to

(2332) 41°00'N, 69°17'W; then northwest to

(2333) 42°05'N, 70°02'W, then west to

(2334) 42°04'N, 70°10'W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at

(2335) 42°39'N, 70°37'W.

(2336)

§169.110 When is the northeastern reporting system in effect?

(2337) The mandatory ship reporting system in the northeastern United States operates year-round.

(2338)

§169.115 Where is the southeastern reporting system located?

(2339) Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) along a 90-nautical mile (170-kilometer) stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N., respectively.

(2340)

§169.120 When is the southeastern reporting system in effect?

(2341) The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

(2342)

§169.125 What classes of ships are required to make reports?

(2343) Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8-1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

(2344)

§169.130 When are ships required to make reports?

(2345) Participating ships must report to the shore-based authority upon entering the area covered by a reporting system. Additional reports are not necessary for movements made within a system or for ships exiting a system.

(2346)

§169.135 How must the reports be made?

(2347) (a) A ship equipped with INMARSAT C must report in IMO standard format as provided in §169.140 in table 169.140.

(2348) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence–

(2349) (1) Narrow band direct printing (SITOR).

(2350) (2) HF voice communication, or

(2351) (3) MF or VHF voice communications.

(2352) (c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

(2353)

§169.140 What information must be included in the report?

(2354) Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed this section in table 169.140. Current email address and telex numbers are published annually in the U.S. Coast Pilot.

(2355)

TABLE 169.140 – Requirements for Ship Reports

Telegraphy	Function	Information required
Name of system	System identifier	Ship reporting system WHALESNORTH or WHALESSOUTH
M	INMARSAT Number	Vessel INMARSAT number
A	Ship	The name, call sign or ship station identity, IMO number, and flag of the vessel.
B	Date and time of event	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits)
E	True course	A 3-digit group indicating true course.
F	Speed in knots and tenths of knots	A 3-digit group.
H	Date, time and point of entry into system	Entry time expressed as in (B) and entry position expressed as-(1) a 4-digit group giving latitude in degrees and minutes suffixed with N (north) or S (south) and a 5-digit group giving longitude in degrees and minutes suffixed with E (east) or W (west); or (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark)
I	Destination and expected time of arrival	Name of port and date time group expressed as in (B)
L	Route information	Intended track.

(2356)

Subpart C-Transmission of Long Range Identification and Tracking Information

(2357)

§169.200 What is the purpose of this subpart?

(2358) This subpart implements Regulation 19-1 of SOLAS Chapter V (SOLAS V/19-1) and requires certain ships engaged on an international voyage to transmit vessel identification and position information electronically. This requirement enables the Coast Guard to obtain long range identification and tracking (LRIT) information and thus heightens our overall maritime domain awareness, enhances our search and rescue operations, and increases our ability to detect anomalies and deter transportation security incidents.

(2359)

§169.205 What types of ships are required to transmit LRIT information (position reports)?

(2360) The following ships, while engaged on an international voyage, are required to transmit position reports:

(2361) (a) A passenger ship, including high speed passenger craft.

(2362) (b) A cargo ship, including high speed craft, of 300 gross tonnage or more.

(2363) (c) A mobile offshore drilling unit while underway and not engaged in drilling operations.

(2364)

§169.210 Where during its international voyage must a ship transmit position reports?

(2365) The requirements for the transmission of position reports, imposed by the United States, vary depending on the relationship of the United States to a ship identified in §169.205.

(2366) (a) *Flag State relationship*. A U.S. flag ship engaged on an international voyage must transmit position reports wherever they are located.

(2367) (b) *Port State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports after the ship has announced its intention to enter a U.S. port or place under requirements in 33 CFR part 160, subpart C.

(2368) (c) *Coastal State relationship*. A foreign flag ship engaged on an international voyage must transmit position reports when the ship is within 1,000 nautical miles of the baseline of the United States, unless their Flag Administration, under authority of SOLAS V/19-1.9.1, has directed them not to do so.

(2369)

§169.215 How must a ship transmit position reports?

(2370) A ship must transmit position reports using Long Range Identification and Tracking (LRIT) equipment that has been type-approved by their Administration. To be type-approved by the Coast Guard, LRIT equipment must meet the requirements of IMO Resolutions A.694(17), MSC.210(81), and MSC.254(83), and IEC standard IEC 60945 (Incorporated by reference, see §169.15).

(2371)

§169.220 When must a ship be fitted with LRIT equipment?

(2372) A ship identified in §169.205 must be equipped with LRIT equipment–

(2373) (a) Before getting underway, if the ship is constructed on or after December 31, 2008.

(2374) (b) By the first survey of the radio installation after December 31, 2008, if the ship is–

(2375) (1) Constructed before December 31, 2008, and

(2376) (2) Operates within–

(2377) (i) One hundred (100) nautical miles of the United States baseline, or

(2378) (ii) Range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with continuous alerting is available.

(2379) (c) By the first survey of the radio installation after July 1, 2009, if the ship is–

(2380) (1) Constructed before December 31, 2008, and

(2381) (2) Operates within the area or range specified in paragraph (b)(2) of this section as well as outside the range of an Inmarsat geostationary satellite with which continuous alerting is available. While operating in the area or range specified in paragraph (b)(2) of this section, however, a ship must install LRIT equipment by the first survey of the radio installation after December 31, 2008.

(2382)

§169.225 Which Application Service Providers may a ship use?

(2383) A ship may use an application Service Provider (ASP) recognized by its administration. Some Communication Service Providers may also serve as an ASP.

(2384)

§169.230 How often must a ship transmit position reports?

(2385) A ship's LRIT equipment must transmit position reports at 6-hour intervals unless a more frequent interval is requested remotely by an LRIT Data Center.

(2386)

§169.235 What exemptions are there from reporting?

(2387) A ship is exempt from this subpart if it is–

(2388) (a) Fitted with an operating automatic identification system (AIS), under 33 CFR 164.46, and operates only within 20 nautical miles of the United States baseline,

(2389) (b) A warship, naval auxiliaries or other ship owned or operated by a SOLAS Contracting Government and used only on Government non-commercial service, or

(2390) (c) A ship solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

(2391)

§169.240 When may LRIT equipment be switched off?

(2392) A ship engaged on an international voyage may switch off its LRIT equipment only when it is permitted by its Flag Administration, in circumstances detailed in SOLAS V/19–1.7, or in paragraph 4.4.1, of resolution MSC.210(81), as amended by resolution MSC.254(83) (Incorporated by reference, see §169.15).

(2393)

§169.245 What must a ship master do if LRIT equipment is switched off or fails to operate?

(2394) (a) If a ship's LRIT equipment is switched off or fails to operate, the ship's master must inform his or her Flag Administration without undue delay.

(2395) (b) The master must also make an entry in the ship's logbook that states–

(2396) (1) His or her reason for switching the LRIT equipment off, or an entry that the equipment has failed to operate, and

(2397) (2) The period during which the LRIT equipment was switched off or non-operational.

(2398) Note to §169.245: for U.S. vessels, the U.S. Coast Guard serves as the Flag Administration for purposes of this section. All LRIT notifications for the U.S. Flag administration, in addition to requests or questions about LRIT, should be communicated to the U.S. Coast Guard by e-mail addressed to *LRIT@uscg.mil*.

(2399)

Part 207–NavigationRegulations

(2400)

§207.9 Mystic River, MA; dam of Commonwealth of Massachusetts, Metropolitan District Commission.

(2401) (a) *Definition and authority of superintendent*. The term superintendent as used in the regulations in this

section shall mean himself and/or his personnel then on duty at the dam. The positioning and movements of all watercraft of every description while in the locks or within 100 yards of the locks or dam shall be subject to the direction of the superintendent whose orders must be obeyed. This order does not relieve the master of the responsibility for the safety of his vessel.

(2402) (b) *Description of Locks*. There are three (3) locks to be used for the passage of vessels; one large lock 325 feet long, 45 feet wide, shall be used for vessels with draft up to seventeen (17) feet; two small locks each 120 feet long and 22 feet wide shall be used for boats up to six (6) feet draft.

(2403) (c) *Maximum draft*. Vessels drawing within six (6) inches of depth over the sills shall not be permitted lockage except under special permission of the superintendent. Every vessel using the locks and drawing more than ten (10) feet shall be accurately and distinctly marked at bow and stern showing the exact draft of water at such portions of the vessel. Gages set into the walls or the locks, both upstream and downstream of each gate, indicate the depth in feet of water over the sill of the gate.

(2404) (d) *Vessels denied lockage*. The superintendent may deny passage through the locks to any craft with sharp, rough projecting corners, overhanging equipment or cargo, or any craft or tow that is in sinking condition or in any way unseaworthy or insufficiently manned and equipped, or any craft failing to comply with the regulations in this section or with any orders given in pursuance thereof.

(2405) (e) *Protection of lock gates*. (1) In no case shall boats be permitted to enter or leave any of the locks until directed to do so by the superintendent. Boats shall not be permitted to enter or start to leave until the lock gates are at rest within the gate recesses. All persons, whether in charge of vessels or not, are prohibited from willfully or carelessly damaging the locks or any of the appurtenances or the grounds adjacent thereto, and from throwing or allowing any material of any kind to fall from the barge, scow or other vessel into the locks.

(2406) (2) No person shall permit or suffer any vessel, scow, raft, or float to come in contact with any gate or any of the locks of the Amelia Earhart Dam.

(2407) (f) *Damage to walls*. The sides of all craft passing through the locks must be free from projection of any kind which might injure the lock walls. All craft must be provided with suitable fenders. One or more men as the superintendent may direct shall be kept at the head of every tow until it has cleared the lock and guide walls, and shall protect the walls by use of the fenders.

(2408) (g) *Unnecessary delay at locks*. No person shall cause or permit any craft of which he is in charge to remain in the locks or their approaches for a longer period of time than is necessary for the passage of the locks unless he is especially permitted to do so by the superintendent, and if such craft is, in the opinion of such superintendent, in a position to obstruct navigation, it shall be removed at once as requested or directed by the superintendent.

(2409) (h) *Procedure at locks*. The locks shall be operated promptly for the passage of all craft upon signal, excepting only in such cases as are specifically provided for in the regulations in this section. All registered merchant vessels shall pass through the locks in the order directed by the superintendent. Other craft shall be allowed to pass through the locks at the discretion of the superintendent.

(2410) (i) *Navigation of the locks*. (1) All barges navigating the locks whether approaching or leaving the locks are required to be assisted by one or more tugs of sufficient power to insure full control at all times. All craft approaching the locks while any other vessel going in the opposite direction is in or about to enter shall be stopped where they will not obstruct the free passage of such other vessel.

(2411) (2) All vessels over 100 gross tons including those which are accompanied by towboats must attach not less than two good and sufficient lines, cables, or hawsers to the bollards or other fixtures provided for the purpose to check the speed of the vessel and to stop it as soon as it has gone far enough to permit the lock gate behind it to be closed. Each line, cable, or hawser shall be attended on board while passing into the lock by one or more of the vessel's crew. Where vessels are so long that in order to get them wholly within the locks it is necessary to go within 100 feet of the lock gate ahead, the speed of the vessel must be slow and the vessel must be fully under control at all times by the lines, cables or hawsers. All towboats and vessels less than 100 gross tons may enter the locks without having lines out subject to the discretion of the superintendent. The master or person in charge of a vessel shall arrange to have any line, cable, or hawser handed or thrown from the lock walls by the superintendent, or his assistants, made fast on the vessel as requested or directed, so that in cases of emergency such line, cable, or hawser may also be used to check the speed of and stop the vessel.

(2412) (3) Operators of vessels less than 200 gross tons may use the floating moorings in the large lock to fasten lines or hawsers, but they shall not be used to check the way on any vessel greater than 30 gross tons.

(2413) (4) Vessels less than 30 gross tons may fasten lines to the floating moorings in the large or small locks. All persons shall keep off the floating moorings at all times.

(2414) (5) No line shall be attached to anything on or a part of the dam except the fixtures provided for this purpose.

(2415) (6) Equipment of each craft shall include a sufficient bow line and stern line.

(2416) (j) *Mooring*. When a craft is in position in the lock, it shall be securely fastened in a manner satisfactory to the superintendent to prevent the craft moving about while the lock is being filled or emptied, and the lines, cables, or hawsers used for this purpose shall be attended as far as is necessary or required while the filling or emptying is in progress.

(2417) (k) [Reserved]

(2418) (l) *Signals*. (1) All craft desiring lockage shall, on approaching the locks, signal by two long and two short

blasts of a whistle or other sound device. Two long blasts from the lock in reply will indicate a delayed opening and direct the craft not to enter the lock.

(2419) (2) Lights are located at each end of each lock and will normally show red. No vessel shall come within 100 feet of the outside of any gate when the signal is red except when so directed by the superintendent.

(2420) (3) Fireboats and craft owned by the U.S. Government shall be given prompt and preferential lockage when they sound four long blasts.

(2421) (4) No vessel shall move into or out of any lock until the controlling signal is green. A green light in addition to audio loud speakers, operated by the superintendent or his assistants, will direct craft through the locks.

(2422) (5) It shall be the duty of every master or person in charge of any vessel to ascertain by personal observation that the lock gate is fully open before proceeding.

(2423) (m) *Operating machinery*. Lock employees only shall be permitted to operate the lock gates, signals or other appliances. No person shall deface or injure any part of the Amelia Earhart Dam, or any pier, wall or other structure or any mechanism connected therewith; nor shall any person, without the consent of the superintendent, make fast to the dam, guard, guide wall, pier, or any appurtenance thereof any vessel, scow, raft, or float.

(2424) (n) *Vessel to carry regulations*. A copy of the regulations in this section shall be kept at all times on board each vessel regularly engaged in navigating the locks. Copies may be obtained without charge from the superintendent; the Commonwealth of Massachusetts, M.D.C. Parks Division, Boston, MA; New England Division, Corps of Engineers, Division Engineer, Waltham, MA.

(2425)

§207.10 Charles River, MA; dam of Charles River Basin Commission.

(2426) (a) The movements of all vessels or boats in and near the lock shall be under the direction of the superintendent in charge of these structures and his assistants, whose orders and signals shall be obeyed.

(2427) (b) Every vessel using the lock and drawing more than 10 feet shall be accurately and distinctly marked at the bow and stern, showing the exact draft of water at such portions of the vessel.

(2428) (c) All steam vessels desiring to pass through the lock shall signal for the same by two long and two short blasts of the whistle.

(2429) (d) (1) All vessels passing through the lock shall have their outboard spars, if any, rigged in, and booms amidships, and secured. All standing and running rigging must be triced in to keep it from blowing out and fouling the drawbridge. Every vessel of 200 tons and under shall be provided with at least two, and every vessel of more than 200 tons shall be provided with at least four good and sufficient lines, cables, or hawsers. Anchors shall either be stowed or shall hang from hawse pipes, hauled up close, clear of the water if possible. Vessels with anchors under foot or hanging from catheads will not be permitted to enter the lock.

(2430) (2) All vessels must be sufficiently manned and must have a sufficient number of round and fore-and-aft fenders to protect the lock from injury. All heavy rope fenders must be securely lashed to prevent their falling into the lock and interfering with the gates.

(2431) (e) All vessels approaching the lock while any other vessel going in the opposite direction is in or about to enter it shall be stopped where they will not obstruct the free passage of such other vessel.

(2432) (f) It shall be the duty of every master or person in charge of any vessel upon approaching the lock from the upstream end to ascertain by personal observation whether or not the upper lock gate is open, and a vessel shall not be permitted to come within 100 feet of the upper lock gate until the gate has been wholly withdrawn into its recess.

(2433) (g) All towboats, whether towing or not, and other steam vessels of less than 100 tons gross may enter the lock under their own power and without having lines out, but all other vessels, including those which are accompanied by towboats, must attach not less than two good and sufficient lines, cables, or hawsers to the bollards or other fixtures provided for the purpose to check the speed of the vessel and to stop it as soon as it has gone far enough to permit the lock gate behind it to be closed, and each line, cable, or hawser shall be attended on board while passing into the lock by one or more of the vessel's crew. Where vessels are so long that in order to get them wholly within the lock it is necessary to approach within 150 feet of the lock gate ahead, the speed of the vessel must be slow and fully under control by the lines, cables, or hawsers. Steam vessels of more than 100 tons gross, not including towboats, will not be permitted to turn their propellers on entering the lock after the bow of the vessel has entered, but will be drawn in by means of capstans on the lock walls or otherwise, and their speed must be checked and the vessel stopped by lines, cables, or hawsers as in other cases. All steam vessels may leave the lock under their own power. The master or person in charge of a vessel shall arrange to have any line, cable, or hawser handed or thrown from the lock walls by the superintendent or his assistants, made fast on the vessel as requested or directed, so that in cases of emergency such line, cable, or hawser may also be used to check the speed of and stop the vessel.

(2434) (h) When a vessel is in position in the lock it shall be securely fastened in a manner satisfactory to the superintendent, or his assistant in charge of the lock at the time, to prevent the vessel from moving about while the lock is being filled or emptied, and the lines, cables, and hawsers used for this purpose shall be attended as far as is necessary or required while the filling or emptying is in progress.

(2435) (i) No vessel which has iron or irons projecting from it or lumber or other cargo projecting over its sides shall enter the lock, except at such time and with

such precautions to prevent damage to the lock or its appurtenances as the superintendent, or the assistant in charge of the lock at the time, may require.

(2436) (j) All persons, whether in charge of vessels or not, are prohibited from willfully or carelessly damaging the lock, any of its appurtenances or the grounds adjacent thereto, and from throwing any material of any kind into the lock. No line shall be attached to anything except the bollards and other fixtures provided for the purpose.

(2437) (k) Upon each passage through the lock, the master or clerk of a vessel shall make a statement of the kind and tonnage of the freight carried.

(2438) (1) No person shall cause or permit any vessel or boat of which he is in charge to remain in the lock or its approaches for a longer time than is necessary for the passage of the lock, unless he is especially permitted to do so by the superintendent or the assistant in charge of the lock at the time, and if such vessel or boat is, in the opinion of such superintendent or assistant, in a position to obstruct navigation it shall be removed at once as requested or directed by such superintendent or assistant.

(2439) (m) All registered merchant vessels shall pass through the lock in the order directed by the superintendent or the assistant in charge of the lock at the time. Unregistered craft will not be allowed to pass through the lock separately unless especially permitted by such superintendent or assistant.

(2440) (n) The lock shall be operated promptly for the passage of all vessels upon signal, excepting only in such cases as are specifically provided for in this section.

(2441)

§207.20 Cape Cod Canal, MA; use, administration, and navigation.

(2442) (See United States Coast Pilot 2, Atlantic Coast, Cape Cod to Sandy Hook.)

(2443)

§207.800 Collection of navigation statistics.

(2444) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(2445) (1) *Navigable waters of the United States* means those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. (See 33 CFR part 329 for a more complete definition of this term.)

(2446) (2) *Offenses and Violations* mean:

(2447) (i) Failure to submit a required report.

(2448) (ii) Failure to provide a timely, accurate, and complete report.

(2449) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(2450) (iv) Failure to submit a report required by the lockmaster or canal operator.

(2451) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(2452) (4) *Person or entity* means an individual, corporation, partnership, or company.

(2453) (5) *Timely* means vessel and commodity movement data must be received by the Waterborne Commerce Statistics Center within 30 days after the close of the month in which the vessel movement or nonmovement takes place.

(2454) (6) *Commercial vessel* means a vessel used in transporting by water, either merchandise or passengers for compensation or hire, or in the course of business of the owner, lessee, or operator of the vessel.

(2455) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA, with fleeting at Cairo, IL.

(2456) (i) *Lease/Charter*: If Company A leases or charters the barge to Company B, then Company B is responsible for reporting the movements of the barge until the lease/charter expires.

(2457) (ii) *Interline Movement*: A barge is towed from Minneapolis to Cairo by Company A, and from Cairo to New Orleans by Company B. Since Company A is the barge owner, and the barge is not leased. Company A reports the entire movement of the barge with an origin of Minneapolis and a destination of New Orleans.

(2458) (iii) *Vessel Swap/Trade*: Company A swaps barge with Company B to allow Company B to meet a delivery commitment to New Orleans. Since Company A has not leased/chartered the barge, Company A is responsible for filing the report. Company B is responsible for filing the report on the barge which is traded to Company A. The swap or trade will not affect the primary responsibility for reporting the individual vessel movements.

(2459) (iv) *Re-Consignment*: Barge is reconsigned to Mobile, AL. Company A reports the movements as originating in Minneapolis and terminating in Mobile. The point from which barge is reconsigned is not reported, only points of loading and unloading.

(2460) (v) *Fleeting*: Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movement.

(2461) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (Pub. L. 99-662), mandates the following.

(2462) (1) *Filing requirements*. Except as provided in paragraph (b)(2) of this section, the person or entity

receiving remuneration for the movement of vessels or for the transportation of goods or passengers on the navigable waters is responsible for assuring that the activity report of commercial vessels is timely filed.

(2463) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(2464) (ii) The vessel owner, or his designated agent, is always the responsible party for ensuring that all commercial activity of the vessel is timely reported.

(2465) (2) The following Vessel Information Reports are to be filed with the Army Corps of Engineers, at the address specified on the ENG Form, and are to include:

(2466) (i) *Monthly reports*. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 62180, New Orleans, LA 70161-1280.

(2467) (A) All movements of domestic waterborne commercial vessels shall be reported, including but not limited to: Dry cargo ship and tanker moves, loaded and empty barge moves, towboat moves, with or without barges in tow, fishing vessels, movements of crew boats and supply boats to offshore locations, tugboat moves and movements of newly constructed vessels from the shipyard to the point of delivery.

(2468) (B) Vessels idle during the month must also be reported.

(2469) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(2470) *(1)* Movements of recreational vessels.

(2471) *(2)* Movements of fire, police, and patrol vessels.

(2472) *(3)* Movements of vessels exclusively engaged in construction (e.g., piledrivers and crane barges). **Note:** however, that movements of supplies, materials, and crews to or from the construction site must be timely reported.

(2473) *(4)* Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(2474) *(5)* Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(2475) (D) ENG Forms 3925 and 3925b shall be completed and filed by vessel operating companies each month for all voyages or vessel movements completed during the month. Vessels that did not complete a move during the month shall be reported as idle or in transit.

(2476) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(2477) (F) Harbor Maintenance Tax information is required on ENG Form 3925 for cargo movements into or out of ports that are subject to the provisions of section 1402 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

(2478) *(1)* The name of the shipper of the commodity, and the shipper's Internal Revenue Service number or Social Security number, must be reported on the form.

(2479) *(2)* If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

(2480) *(3)* Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(2481) (ii) *Annual reports*. Annually an inventory of vessels available for commercial carriage of domestic commerce and vessel characteristics must be filed on ENG Forms 3931 and 3932.

(2482) (iii) *Transaction reports*. The sale, charter, or lease of vessels to other companies must also be reported to assure that proper decisions are made regarding each company's duty for reporting vessel movements during the year. In the absence of notification of the transaction, the former company of record remains responsible until proper notice is received by the Corps.

(2483) (iv) *Reports to lockmasters and canal operators*. Masters of self-propelled non-recreational vessels which pass through locks and canals operated by the Army Corps of Engineers will provide the data specified on ENG Forms 3102b, 3102c, and/or 3102d to the lockmaster, canal operator, or his designated representative in the manner and detail dictated.

(2484) (c) *Penalties for noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(2485) (1) *Criminal penalties*. Every person or persons violating the provisions of this regulation shall, for each and every offenses, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(2486) (2) *Civil penalties*. In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by this regulation may also be assessed a civil penalty of up to $2,500 per violation under 33 U.S.C. 555, as amended.

(2487) (3) *Denial of passage*. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(2488) (d) *Enforcement policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(2489) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The

Corps will make use of, but is not limited to, the following sources.

(2490) (i) Data on purchase and sale of vessels.

(2491) (ii) U.S. Coast Guard vessel documentation and reports.

(2492) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(2493) (iv) Data provided by terminals on ENG Form 3926.

(2494) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(2495) (vi) Data provided by ports, local facilities, and State or local governments.

(2496) (vii) Data from trade journals and publications.

(2497) (viii) Site visits and inspections.

(2498) (2) *Notice of violation*. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period, then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(2499) (3) *Administrative assessment of civil penalties*. Civil penalties may be assessed in the following manner.

(2500) (i) *Authorization*. If the Chief of the Waterborne Commerce Statistics Center finds that a person or entity has failed to comply with any of the provisions specified herein, he is authorized to assess a civil penalty in accordance with the Class I penalty provisions of 33 CFR part 326. Provided, however, that the procedures in 33 CFR part 326 specifically implementing the Clean Water Act (33 U.S.C. 1319(g)(4)), public notice, comment period, and state coordination, shall not apply.

(2501) (ii) *Initiation*. The Chief of the Waterborne Commerce Statistics Center will prepare and process a proposed civil penalty order which shall state the amount of the penalty to be assessed, describe by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(2502) (iii) *Hearing requests*. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in 33 CFR part 326 and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, VA 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(2503) (4) *Additional remedies*. Appropriate cases may also be referred to the local U.S. Attorney for prosecution, penalty collection, injunctive, and other relief by the Chief of the Waterborne Commerce Statistics Center.

(2504)

Part 334–Danger Zones and Restricted Area Regulations

(2505)

§334.1 Purpose.

(2506) The purpose of this part is to:

(2507) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(2508) (b) List the specific danger zones and restricted areas and their boundaries; and

(2509) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

(2510)

§334.2 Definitions.

(2511) (a) *Danger zone*. A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(2512) (b) *Restricted area*. A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

(2513)

§334.3 Special policies.

(2514) (a) *General*. The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(2515) (b) *Food fishing industry*. The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA).

(2516) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/

restricted area rules are promulgated under this Part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial-Intelligence Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

(2517)

§334.4 Establishment and amendment procedures.

(2518) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(2519) (1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(2520) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(2521) (3) Name of closest city or town, county/parish and state.

(2522) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(2523) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(2524) (b) *Public notice*. (1) The Corps will normally publish public notices and **Federal Register** documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft **Federal Register** document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the **Federal Register** concurrent with the public notice issued by the District Engineer.

(2525) (2) *Content*. The public notice and **Federal Register** documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(2526) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(2527) (ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(2528) (iii) The address of the District Engineer as the recipient of any comments received.

(2529) (iv) The identity of the applicant/proponent;

(2530) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(2531) (vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(2532) (3) *Distribution*. Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(2533) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(2534) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(2535) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(2536) Alaska, Oregon and Washington:

(2537) Commander, Naval Base, Seattle

(2538) California:

(2539) Commander, Naval Base, San Diego

(2540) Hawaii and Trust Territories:

(2541) Commander, Naval Base, Pearl Harbor

(2542) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(2543) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(2544) (e) *District Engineer's recommendation*. After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental documentation prepared in accordance with appendix B to 33 CFR part 325, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the **Federal Register**.

(2545) (f) *Final decision*. The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the **Federal Register** and either withdraw the proposed regulation or issue the final regulation as appropriate. The final rule shall become effective no sooner than 30 days after publication in the **Federal Register** unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

(2546)

§334.5 Disestablishment of a danger zone.

(2547) (a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(2548) (b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in §334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

(2549)

§334.6 Datum.

(2550) (a) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose reference horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

(2551) (b) For further information on NAD 83 and National Service nautical charts please contact:

(2552) Director, Coast Survey (N/CG2)

(2553) National Ocean Service, NOAA

(2554) 1315 East-West Highway, Station 6147

(2555) Silver Spring, MD 20910-3282.

(2556)

§334.10 Gulf of Maine off Seal Island, Maine; Naval aircraft bombing target area.

(2557) (a) *The danger zone*. A circular area with a radius of 1.5 nautical miles, having its center just easterly of Seal Island at latitude 43°53'00" and longitude 68°44'00".

(2558) (b) *The regulations*. (1) No aerial bombing practice will take place in the danger zone after 5:00 p.m. Mondays through Saturdays, at any time on Sundays, or during foggy or inclement weather.

(2559) (2) Vessels or other watercraft will be allowed to enter the danger zone any time there are no aerial bombing exercises being conducted.

(2560) (3) No live ammunition or explosives will be dropped in the area.

(2561) (4) Suitable Notice to Mariners, by appropriate methods, will be issued by the Commander, First Coast Guard District, Boston, Massachusetts; upon request of the Commandant, First Naval District, Boston, Massachusetts, or his designated agent.

(2562) (5) Prior to the conducting of each bombing practice, the area will be patrolled by a naval aircraft or surface vessel to ensure that no persons or watercraft are within the danger zone.

(2563) Vessels may be requested to veer off when drops are to be made, however, drops will be made only when the area is clear. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(2564) (6) Any such watercraft shall, upon being so warned, immediately leave the designated area and, until the conclusion of the practice, shall remain at such distance that it will be safe from falling projectiles.

(2565) (7) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Massachusetts, or such agencies as he may designate.

(2566)

§334.20 Gulf of Maine off Cape Small, Maine; Naval aircraft practice mining range area.

(2567) (a) *The danger zone*. Within an area bounded as follows: Beginning at

(2568) 43°43'00"N., 69°46'00"W.; thence to

(2569) 43°38'30"N., 69°46'00"W.; thence to

(2570) 43°38'30"N., 69°49'30"W.; thence to

(2571) 43°42'10"N., 69°49'30"W.; thence to the point of beginning.

(2572) (b) *The regulations*. (1) Test drops from aircraft will be made within the area at intermittent periods from noon until sunset local time and only during periods of good visibility.

(2573) (2) Testing will not restrict any fishing, recreational, or commercial activities in the testing area.

(2574) (3) Aircraft will patrol the area prior to and during test periods to insure that no surface vessels are within the area. No test drops will be made while surface vessels are transitting the area.

(2575) (4) No live ammunition or explosives will be dropped in the area.

(2576) (5) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, MA, or such agencies as he may designate.

(2577)

§334.30 Gulf of Maine off Pemaquid Point, Maine; Naval Sonobuoy Test Area.

(2578) (a) *The area*. The test area or "Foul Area" encompasses a circular area one nautical mile in radius, the center of which is located 7.9 nautical miles, bearing 187° magnetic from Pemaquid Light.

(2579) (b) *The regulations*. (1) Sonobuoy drops will be made only in the designated area and when visibility is at least three miles.

(2580) (2) Sonobuoy drop tests will normally be conducted at intermittent periods on a 5-day week basis, Monday through Friday. However, on occasion tests may be conducted intermittently on a seven-day week basis.

(2581) (3) Prior to and during the period when sonobuoys are being dropped, an escort vessel or naval aircraft will be in the vicinity to ensure that no persons or vessels are in the testing area. Vessels may be requested to veer off when sonobuoys are about to be dropped, however, drops will be made only when the area is clear.

(2582) (4) The sonobuoys drops will be made in connection with the production and experimentation of sonobuoys.

(2583) (5) No live ammunition or explosives will be involved.

(2584) (6) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Brunswick, Maine, or such agencies as he may designate.

(2585)

§334.40 Atlantic Ocean in vicinity of Duck Island, Maine, Isles of Shoals; naval aircraft bombing target area.

(2586) (a) *The danger zone*. A circular area with a radius of 500 yards having its center on Shag Rock in the vicinity of Duck Island at latitude 43°00'12", longitude 70°36'12".

(2587) (b) *The regulations*. (1) No person or vessel shall enter or remain in the danger zone from 8:00 a.m. to 5:00 p.m. (local time) daily, except as authorized by the enforcing agency.

(2588) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(2589)

§334.45 Kennebec River, Bath Iron Works Shipyard, Naval Restricted Area, Bath, Maine.

(2590) (a) *The area*. The waters within a coffin shaped area on the west side of the river south of the Carlton (Route 1) highway bridge beginning on the western shore at

(2591) 43°54'40.7"N., 069°48'44.8"W.; thence easterly to

(2592) 43°54'40.7"N., 069°48'36.8"W.; thence southeasterly to

(2593) 43°54'10.4"N., 069°48'34.7"W.; thence southwesterly to

(2594) 43°53'55.1"N., 069°48'39.1"W.; thence westerly to

(2595) 43°53'55.1"N., 69°48'51.8"W.; thence northerly along the westerly shoreline to the point of origin.

(2596) (b) *The regulation*. All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Supervisor of Shipbuilding, USN Bath, Maine or his authorized representative.

(2597) (c) *Enforcement*. The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the, Supervisor of Shipbuilding, Conversion and Repair, Bath, United States Navy and/or such agencies or persons as he/she may designate.

(2598)

§334.50 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted areas.

(2599) (a) *The areas*. *Area No. 1:* The area bounded by a line beginning at a point on the easterly side of Seavey Island at

(2600) 43°04'37"N., 70°43'44"W.; thence to

(2601) 43°04'36"N., 70°43'40"W.; thence to the pier on the westerly side of Clark Island at

(2602) 43°04'36.5"N., 70°43'34"W.; thence along the northerly side of Clark Island to a point on the easterly side at

(2603) 43°04'37"N., 70°43'25"W.; thence northeasterly to the easterly side of Jamaica Island at

(2604) 43°04'49"N., 70°43'24"W.; thence along the southerly and westerly sides of Jamaica Island and thence generally along the easterly side of Seavey Island to the point of beginning.

(2605) *Area No. 2:* The area bounded by a line beginning at a point on the southerly side of Seavey Island at Henderson Point at

(2606) 43°04'29"N., 70°44'14"W.; thence to

(2607) 43°04'29.5"N., 70°44'17.4"W.; thence to

(2608) 43°04'36.6"N., 70°44'22.6"W.; thence to

(2609) 43°04'44.8"N., 70°44'33.2"W.; thence to

(2610) 43°04'47.4"N., 70°44'42.1"W.; thence to

(2611) 43°04'48"N., 70°44'52"W.; thence to

(2612) 43°04'49"N., 70°44'54"W.; thence to

(2613) 43°04'51"N., 70°44'55"W.; thence to

(2614) 43°04'53"N., 70°44'53"W.; thence to

(2615) 43°04'57"N., 70°44'47"W.; thence to

(2616) 43°04'58"N., 70°44'46"W.; thence to

(2617) 43°05'02"N., 70°44'36"W.; thence to

(2618) 43°05'04"N., 70°44'31"W.; thence along the westerly side of Seavey Island to the beginning point.

(2619) (b) *The regulations*. All persons, vessels and other craft, except those vessels under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his/her authorized representative.

(2620)

§334.60 Cape Cod Bay south of Wellfleet Harbor, MA; naval aircraft bombing target area.

(2621) (a) *The danger zone*. A circular area with a radius of 1,000 yards having its center on the aircraft bombing target hulk James Longstreet in Cape Cod Bay at 41°49'46"N., 70°02'54"W.

(2622) (b) *The regulations*. (1) No person or vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(2623) (2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

(2624)

TITLE 40–PROTECTION OF ENVIRONMENT

(2625)

Part 140–MarineSanitation Device Standard

(2626)

§140.1 Definitions.

(2627) For the purpose of these standards the following definitions shall apply:

(2628) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(2629) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(2630) (c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(2631) (d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(2632) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(2633) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(2634) (g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

(2635)

§140.2 Scope of standard.

(2636) The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

(2637)

§140.3 Standard.

(2638) (a) (1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(2639) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(2640) (b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(2641) (c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(2642) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(2643) (e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(2644) (f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(2645) (g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards"

for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

(2646)

§140.4 Complete prohibition.

(2647) (a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. [...]

(2648) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. [...]

(2649) (c)(1) *Prohibition pursuant to CWA* section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(2650) (i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(2651) (ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(2652) (iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(2653) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2654) (2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(2655) (3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(2656) (4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(2657) (i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(2658) (ii) [Reserved]

(2659)

§140.5 Analytical procedures.

(2660) In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent revisions or amendments thereto, shall be employed.

(2661)

TITLE 46–SHIPPING

(2662)

Part 15–Manning Requirements (in part)

(2663)

Subpart 1–Vessels in Foreign Trade

(2664)

§15.1001 General.

(2665) Self-propelled vessels engaged in foreign commerce are required to use a pilot holding a valid MMC or license with appropriate endorsement as a first-class pilot when operating in the navigable waters of the United States specified in this subpart.

(2666)

§15.1040 Massachusetts.

(2667) The following U.S. navigable waters located within the State of Massachusetts when the vessel is in transit, but not bound to or departing from a port within the following listed operating areas:

(2668) (a) Cape Cod Bay south of latitude 41°48'54"N;

(2669) (b) The Cape Cod Canal; and

(2670) (c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point (41°34'55"N., 70°51'15"W.) to the easternmost point of Pasque Island (41°26'55"N., 70°50'30"W.)

(2671)

TITLE 50–WILDLIFEAND FISHERIES

(2672)

Part 222–GeneralEndangered and Threatened Marine Species

(2673)

Subpart A–Introduction and General Provisions

(2674)

§222.101 Purpose and scope of regulations.

(2675) (a) The regulations of parts 222, 223, and 224 of this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the endangered and threatened marine species enumerated in §§224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth at 50 CFR part 23, chapter I.

(2676) (b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).

(2677) (c) No statue or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or any other National Marine Fisheries Service enforced statutes or regulations.

(2678)

Part 224–EndangeredMarine and Anadromous Species

(2679)

§224.103 Special prohibitions for endangered marine mammals.

(2680) (c) *Approaching right whales.*

(2681) (1) *Prohibitions*. Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(2682) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(2683) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(2684) (2) *Right whale avoidance measures*. Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(2685) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.

(2686) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(2687) (3) *Exceptions*. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(2688) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(2689) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(2690) (iii) Paragraphs (c)(1) and (c)(2) of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(2691) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(2692) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

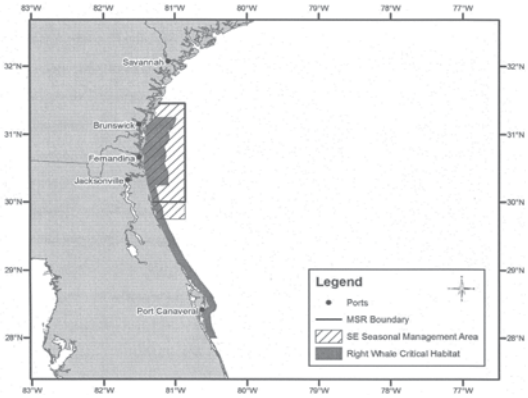
(2693)

§224.105 Speed restrictions to protect North Atlantic Right Whales.

(2694) (a) The following restrictions apply to: All vessels greater than or equal to 65 ft (19.8 m) in overall length and subject to the jurisdiction of the United States, and all other vessels greater than or equal to 65 ft (19.8 m) in overall length entering or departing a port or place subject to the jurisdiction of the United States. These restrictions shall not apply to U.S. vessels owned or operated by, or under contract to, the Federal Government. This exemption extends to foreign sovereign vessels when they are engaging in joint exercises with the U.S. Department of the Navy. In addition, these restrictions do not apply to

(2696)

Figure 1. Southeast United States.



law enforcement vessels of a State, or political subdivision thereof, when engaged in law enforcement or search and rescue duties.

(2695) (1) *Southeast U.S.* (south of St. Augustine, FL to north of Brunswick, GA): Vessels shall travel at a speed of 10 knots or less over ground during the period of November 15 to April 15 each year in the area bounded by the following: Beginning at 31°27'00.0"N., 80°51'36.0"W.; thence west to charted mean high water line then south along charted mean high water line and inshore limits of COLREGS limit to a latitude of 29°45'00.0"N., thence east to 29°45'00.0"N., 80°51'36.0"W.; thence back to starting point. (Fig. 1).

(2697) (2) *Mid-Atlantic U.S.* (from north of Brunswick, Georgia to Rhode Island): Vessels shall travel 10 knots or less over ground in the period November 1 to April 30 each year:

(2698) (i) In the area bounded by the following: 33°56'42.0"N., 77°31'30.0"W.; thence along a NW bearing of **313.26°** True to charted mean high water line then south along mean high water line and inshore limits of COLREGS limit to a latitude of 31°27'00.0"N.; thence east to

(2699) 31°27'00.0"N., 80°51'36.0"W.; thence to

(2700) 31°50'00.0"N., 80°33'12.0"W.; thence to

(2701) 32°59'06.0"N., 78°50'18.0"W.; thence to

(2702) 33°28'24.0"N., 78°32'30.0"W.; thence to

(2703) 33°36'30.0"N., 77°47'06.0"W.; thence back to starting point.;

(2704) (ii) Within a 20-nm (37 km) radius (as measured seaward from COLRGES delineated coast lines and the center point of the port entrance) (Fig. 2) at the

(2705) (A) Ports of New York/New Jersey:

(2706) 40°29'42.2"N., 73°55'57.6"W.;

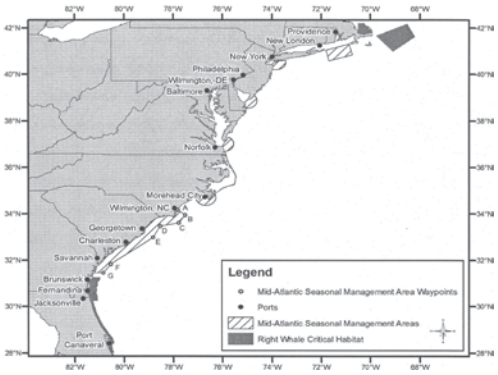
(2707) (B) Delaware Bay (Ports of Philadelphia and Wilmington): 38°52'27.4"N., 75°01'32.1"W.;

(2708) (C) Entrance to the Chesapeake Bay (Ports of Hampton Roads and Baltimore): 37°00'36.9"N., 75°57'50.5"W.; and

(2709) (D) Ports of Morehead City and Beaufort, NC: 34°41'32.0"N., 76°40'08.3"W.; and

(2715)

Figure 2. Mid-Atlantic United States.



(2710) (iii) In Block Island Sound, in the area bounded by the following coordinates: Beginning at

(2711) 40°51'53.7"N., 70°36'44.9"W.; thence to

(2712) 41°20'14.1"N., 70°49'44.1"W.; thence to

(2713) 41°04'16.7"N., 71°51'21.0"W.; thence to

(2714) 40°35'56.5"N., 71°38'25.1"W.; thence back to starting point. (Fig. 2).

(2716) (3) *Northeast U.S. (north of Rhode Island):*

(2717) (i) *In Cape Cod Bay, MA:* Vessels shall travel at a speed of 10 knots or less over ground during the period of January 1 to May 15 in Cape Cod Bay, in an area beginning at 42°04'56.5"N., 70°12'00.0"W.; thence north to 42°12'00.0"N., 70°12'00.0"W.; thence due west to charted mean high water line; thence along charted mean high water within Cape Cod Bay back to beginning point. (Fig. 3).

(2718) (ii) *Off Race Point:* Vessels shall travel at a speed of 10 knots or less over ground during the period of March 1 to April 30 each year in waters bounded by straight lines connecting the following points in the order stated (Fig. 3):

(2719) 42°30'00.0"N., 69°45'00.0"W.; thence to

(2720) 42°30'00.0"N., 70°30'00.0"W.; thence to

(2721) 42°12'00.0"N., 70°30'00.0"W.; thence to

(2722) 42°12'00.0"N., 70°12'00.0"W.; thence to

(2723) 42°04'56.5"N., 70°12'00.0"W.; thence along charted mean high water line and inshore limits of COLREGS limit to a latitude of 41°40'00.0"N., thence due east to 41°41'00.0"N., 69°45'00.0"W.; thence back to starting point.

(2724) (iii) *Great South Channel:* Vessels shall travel at a speed of 10 knots or less over ground during the period of April 1 to July 31 each year in all waters bounded by straight lines connecting the following points in the order stated (Fig. 3):

(2725) 42°30'00.0"N., 69°45'00.0"W.

(2726) 41°40'00.0"N., 69°45'00.0"W.

(2727) 41°00'00.0"N., 69°05'00.0"W.

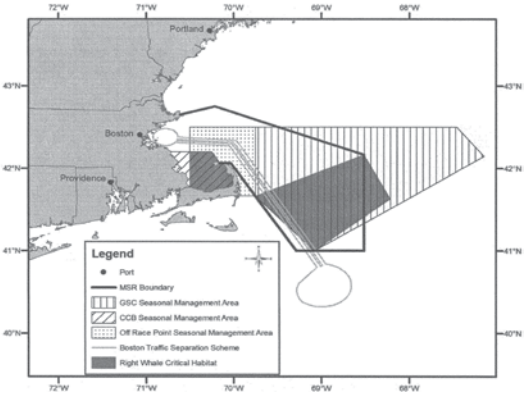
(2728) 42°09'00.0"N., 67°08'24.0"W.

(2729) 42°30'00.0"N., 67°27'00.0"W.

(2730) 42°30'00.0"N., 69°45'00.0"W.

(2731)

Figure 3. Northeast United States.



(2732) (b) Except as noted in paragraph (c) of this section, it is unlawful under this section:

(2733) (1) For any vessel subject to the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section; or

(2734) (2) For any vessel entering or departing a port or place under the jurisdiction of the United States to violate any speed restriction established in paragraph (a) of this section.

(2735) (c) A vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required ten knots only if justified because the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the ten-knot speed limit is necessary, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating it.

(2736) (d) No later than January 1, 2019, the National Marine Fisheries Service will publish and seek comment on a report evaluating the conservation value and economic and navigational safety impacts of this section, including any recommendations to minimize burden of such impacts.

(2737)

Part 226–DesignatedCritical Habitat

(2738)

§226.101 Purpose and scope.

(2739) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical, under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter if threatened and at §224.101 of this chapter if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title; for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Additional information regarding designated critical habitats that is not provided in this section may be obtained upon request to the Office of Protected Resources (*see* §222.102, definition of "Office of Protected Resources").

(2740)

§ 226.203 Critical habitat for North Atlantic right whales (*Eubalaena glacialis*).

(2741) Critical habitat is designated for North Atlantic right whales as described in this section. The textual descriptions in paragraph (b) of this section are the definitive source for determining the critical habitat boundaries. The maps

of the critical habitat units provided in paragraph (c) of this section are for illustrative purposes only.

(2742) (a) Physical and biological features essential to the conservation of endangered North Atlantic right whales.

(2743) (1) *Unit 1*. The physical and biological features essential to the conservation of the North Atlantic right whale, which provide foraging area functions in Unit 1 are: The physical oceanographic conditions and structures of the Gulf of Maine and Georges Bank region that combine to distribute and aggregate *C.finmarchicus* for right whale foraging, namely prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels), oceanic fronts, density gradients, and temperature regimes; low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C.finmarchicus* to aggregate passively below the convective layer so that the copepods are retained in the basins; late stage *C.finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and diapausing *C.finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region.

(2744) (2) *Unit 2*. The physical features essential to the conservation of the North Atlantic right whale, which provide calving area functions in Unit 2, are:

(2745) (i) Sea surface conditions associated with Force 4 or less on the Beaufort Scale,

(2746) (ii) Sea surface temperatures of 7°C to 17°C, and

(2747) (iii) Water depths of 6 to 28 meters, where these features simultaneously co-occur over contiguous areas of at least 231 nmi2 of ocean waters during the months of November through April. When these features are available, they are selected by right whale cows and calves in dynamic combinations that are suitable for calving, nursing, and rearing, and which vary, within the ranges specified, depending on factors such as weather and age of the calves.

(2748) (b) *Critical habitat boundaries*. Critical habitat includes two areas (Units) located in the Gulf of Maine and Georges Bank Region (Unit 1) and off the coast of North Carolina, South Carolina, Georgia and Florida (Unit 2).

(2749) (1) *Unit 1*. The specific area on which are found the physical and biological features essential to the conservation of the North Atlantic right whale include all waters, seaward of the boundary delineated by the line connecting the geographic coordinates and landmarks identified herein:

(2750) (i) The southern tip of Nauset Beach (Cape Cod) (41°38.39′N., 69°57.32′W.).

(2751) (ii) From this point, southwesterly to 41°37.19′N., 69°59.11′W.

(2752) (iii) From this point, southward along the eastern shore of South Monomoy Island to 41°32.76′N., 69°59.73′W.

(2753) (iv) From this point, southeasterly to 40°50′N., 69°12′W.

(2754) (v) From this point, east to 40°50′N., 68°50′W.

(2755) (vi) From this point, northeasterly to 42°00′N., 67°55′W.

(2756) (vii) From this point, east to 42°00′N., 67°30′W.

(2757) (viii) From this point, northeast to the intersection of the U.S.-Canada maritime boundary and 42°10′N.

(2758) (ix) From this point, following the U.S.-Canada maritime boundary north to the intersection of 44°49.727′N., 66°57.952′W.; From this point, moving southwest along the coast of Maine, the specific area is located seaward of the line connecting the following points:

(2759)

Latitude	Longitude
44°49.727'N.	66°57.952'W.
44°49.67'N.	66°57.77'W.
44°48.64'N.	66°56.43'W.
44°47.36'N.	66°59.25'W.
44°45.51'N.	67°02.87'W.
44°37.07'N.	67°09.75'W.
44°27.77'N.	67°32.86'W.
44°25.74'N.	67°38.39'W.
44°21.66'N.	67°51.78'W.
44°19.08'N.	68°02.05'W.
44°13.55'N.	68°10.71'W.
44°08.36'N.	68°14.75'W.
43°59.36'N.	68°37.95'W.
43°59.83'N.	68°50.06'W.
43°56.72'N.	69°04.89'W.
43°50.28'N.	69°18.86'W.
43°48.96'N.	69°31.15'W.
43°43.64'N.	69°37.58'W.
43°41.44'N.	69°45.27'W.
43°36.04'N.	70°03.98'W.
43°31.94'N.	70°08.68'W.
43°27.63'N.	70°17.48'W.
43°20.23'N.	70°23.64'W.
43°04.06'N.	70°36.70'W.
43°02.93'N.	70°41.47'W.
43°02.55'N.	70°43.33'W.

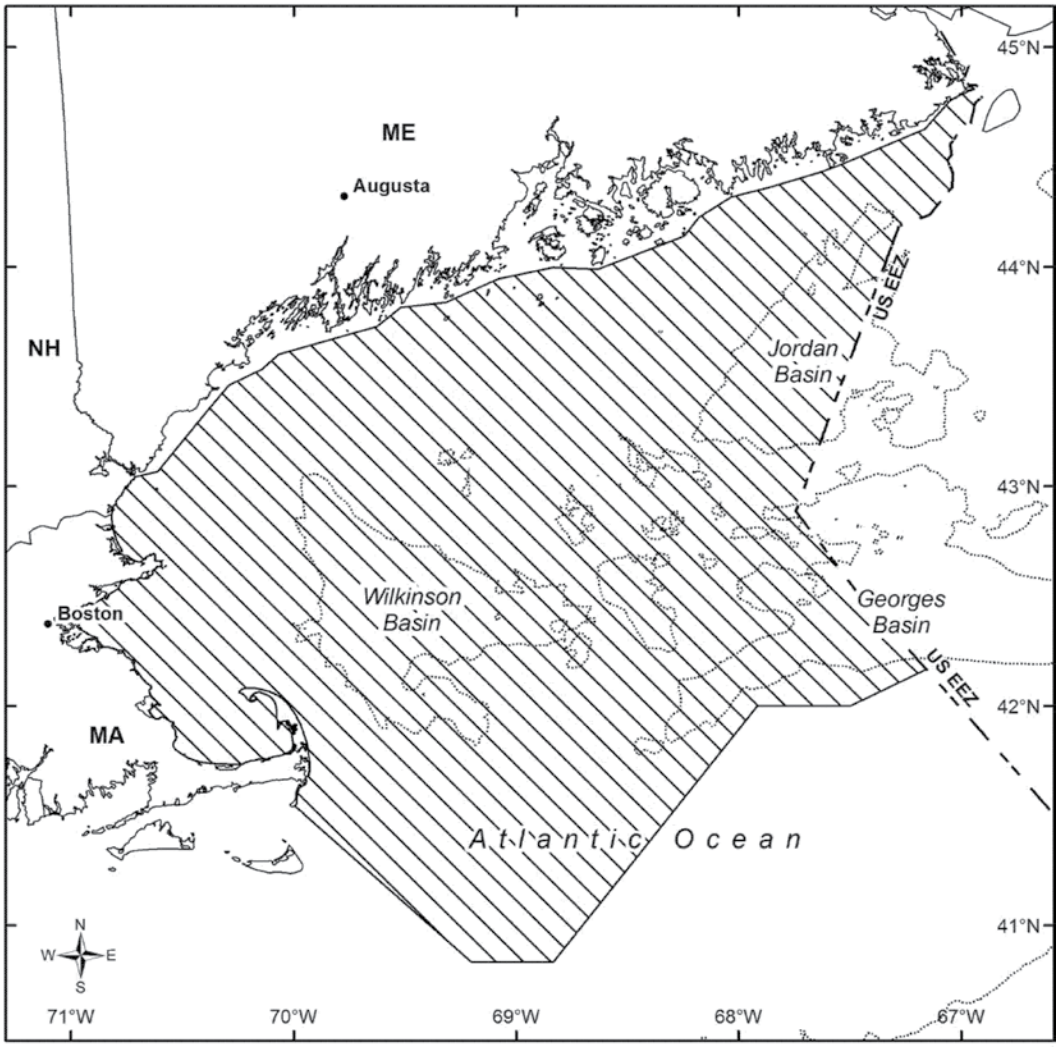
(2760) (x) From this point (43°2.55′N., 70°43.33′W.) on the coast of New Hampshire south of Portsmouth, the boundary of the specific area follows the coastline southward along the coasts of New Hampshire and Massachusetts along Cape Cod to Provincetown southward along the eastern edge of Cape Cod to the southern tip of Nauset Beach (Cape Cod) (41°38.39′N., 69°57.32′W.) with the exception of the area landward of the lines drawn by connecting the following points:

(2761)

42°59.986'N.	70°44.654'W.	to	Rye Harbor

(2775)

North Atlantic Right Whale Critical Habitat
Northeastern U.S. Foraging Area — Unit 1

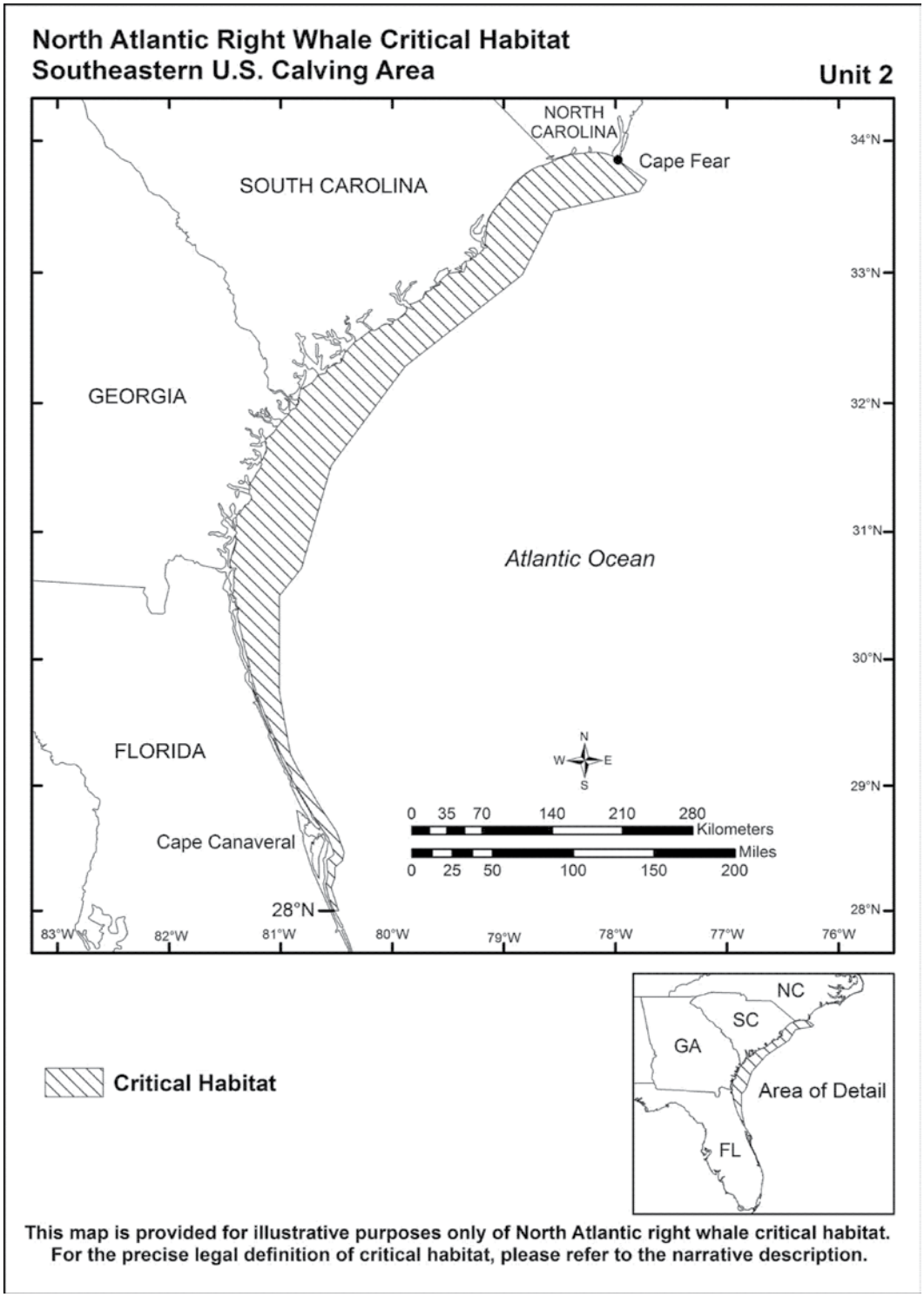


Critical Habitat

200m Depth Contour

This map is provided for illustrative purposes only of North Atlantic right whale critical habitat. For the precise legal definition of critical habitat, please refer to the narrative description.

(2776)


North Atlantic Right Whale Critical Habitat
Southeastern U.S. Calving Area
Unit 2
NORTH CAROLINA
Cape Fear
SOUTH CAROLINA
GEORGIA
Atlantic Ocean
FLORIDA
Cape Canaveral
28°N
34°N
33°N
32°N
31°N
30°N
29°N
28°N
83°W
82°W
81°W
80°W
79°W
78°W
77°W
76°W
N
W
E
S
0 35 70 140 210 280
Kilometers
0 25 50 100 150 200
Miles
Critical Habitat
NC
SC
GA
Area of Detail
FL
This map is provided for illustrative purposes only of North Atlantic right whale critical habitat.
For the precise legal definition of critical habitat, please refer to the narrative description.

42°59.956'N.	70°44.737'W.		Rye Harbor
42°53.691'N.	70°48.516'W.	to	Hampton Harbor
42°53.519'N.	70°48.748'W.		Hampton Harbor
42°49.136'N.	70°48.242'W.	to	Newburyport Harbor
42°48.964'N.	70°48.282'W.		Newburyport Harbor
42°42.145'N.	70°46.995'W.	to	Plum Island Sound
42°41.523'N.	70°47.356'W.		Plum Island Sound
42°40.266'N.	70°43.838'W.	to	Essex Bay
42°39.778'N.	70°43.142'W.		Essex Bay
42°39.645'N.	70°36.715'W.	to	Rockport Harbor
42°39.613'N.	70°36.60'W.		Rockport Harbor
42°20.665'N.	70°57.205'W.	to	Boston Harbor
42°20.009'N.	70°55.803'W.		Boston Harbor
42°19.548'N.	70°55.436'W.	to	Boston Harbor
42°18.599'N.	70°52.961'W.		Boston Harbor
42°15.203'N.	70°46.324'W.	to	Cohasset Harbor
42°15.214'N.	70°47.352'W.		Cohasset Harbor
42°12.09'N.	70°42.98'W.	to	Scituate Harbor
42°12.211'N.	70°43.002'W.		Scituate Harbor
42°09.724'N.	70°42.378'W.	to	New Inlet
42°10.085'N.	70°42.875'W.		New Inlet
42°04.64'N.	70°38.587'W.	to	Green Harbor
42°04.583'N.	70°38.631'W.		Green Harbor
41°59.686'N.	70°37.948'W.	to	Duxbury Bay/ Plymouth Harbor
41°58.75'N.	70°39.052'W.		Duxbury Bay/ Plymouth Harbor
41°50.395'N.	70°31.943'W.	to	Ellisville Harbor
41°50.369'N.	70°32.145'W.		Ellisville Harbor
41°45.87'N.	70°28.62'W.	to	Sandwich Harbor
41°45.75'N.	70°28.40'W.		Sandwich Harbor
41°44.93'N.	70°25.74'W.	to	Scorton Harbor
41°44.90'N.	70°25.60'W.		Scorton Harbor
41°44.00'N.	70°17.50'W.	to	Barnstable Harbor
41°44.00'N.	70°13.90'W.		Barnstable Harbor
41°45.53'N.	70°09.387'W.	to	Sesuit Harbor
41°45.523'N.	70°09.307'W.		Sesuit Harbor
41°45.546'N.	70°07.39'W.	to	Quivett Creek
41°45.551'N.	70°07.32'W.		Quivett Creek
41°47.269'N.	70°01.411'W.	to	Namskaket Creek
41°47.418'N.	70°01.306'W.		Namskaket Creek
41°47.961'N.	70°0.561'W.	to	Rock Harbor Creek
41°48.07'N.	70°0.514'W.		Rock Harbor Creek
41°48.432'N.	70°0.286'W.	to	Boat Meadow River
41°48.483'N.	70°0.216'W.		Boat Meadow River
41°48.777'N.	70°0.317'W.	to	Herring River
41°48.983'N.	70°0.196'W.		Herring River
41°55.501'N.	70°03.51'W.	to	Herring River, inside Wellfleet Harbor
41°55.322'N.	70°03.191'W.		Herring River, inside Wellfleet Harbor
41°53.922'N.	70°01.333'W.	to	Blackfish Creek/Loagy Bay
41°54.497'N.	70°01.182'W.		Blackfish Creek/Loagy Bay
41°55.503'N.	70°02.07'W.	to	Duck Creek
41°55.753'N.	70°02.281'W.		Duck Creek
41°59.481'N.	70°04.779'W.	to	Pamet River
41°59.563'N.	70°04.718'W.		Pamet River
41°03.601'N.	70°14.269'W.	to	Hatches Harbor
41°03.601'N.	70°14.416'W.		Hatches Harbor
41°48.708'N.	69°56.319'W.	to	Nauset Harbor
41°48.554'N.	69°56.238'W.		Nauset Harbor
41°40.685'N.	69°56.781'W.	to	Chatham Harbor
41°40.884'N.	69°56.28'W.		Chatham Harbor

(2762) (xi) In addition, the specific area does not include waters landward of the 72 COLREGS lines (33 CFR part 80) described below.

(2763) (A) *Portland Head, ME to Cape Ann, MA*.

(2764) (1) A line drawn from the northernmost extremity of Farm Point to Annisquam Harbor Light.

(2765) (2) [Reserved]

(2766) (B) *Cape Ann MA to Marblehead Neck, MA*.

(2767) (1) A line drawn from Gloucester Harbor Breakwater Light to the twin towers charted at latitude 42°35′06.177"N., longitude 70°41′32.330"W.

(2768) (2) A line drawn from the westernmost extremity of Gales Point to the easternmost extremity of House Island;

thence to Bakers Island Light; thence to Marblehead Light.

(2769) (C) *Hull, MA to Race Point, MA*.

(2770) (1) A line drawn from Canal Breakwater Light 4 south to the shoreline.

(2771) (2) [Reserved]

(2772) (2) *Unit 2*. Unit 2 includes marine waters from Cape Fear, North Carolina, southward to 28°N latitude (approximately 31 miles south of Cape Canaveral, Florida) within the area bounded on the west by the shoreline and the 72 COLREGS lines, and on the east by rhumb lines connecting the following points in the order stated from north to south.

(2773)

Latitude	Longitude
33°51'N.	at shoreline
33°42'N.	77°43'W.
33°37'N.	77°47'W.
33°28'N.	78°33'W.
32°59'N.	78°50'W.
32°17'N.	79°53'W.
31°31'N.	80°33'W.
30°43'N.	80°49'W.
30°30'N.	81°01'W.
29°45'N.	81°01'W.
29°15'N.	80°55'W.
29°08'N.	80°51'W.
28°50'N.	80°39'W.
28°38'N.	80°30'W.
28°28'N.	80°26'W.
28°24'N.	80°27'W.
28°21'N.	80°31'W.
28°16'N.	80°31'W.
28°11'N.	80°33'W.
28°00'N.	80°29'W.
28°00'N.	at shoreline

(2774) (c) Overview maps of the designated critical habitat for the North Atlantic right whale follow.